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CONTESTED MONARCHY

Integrating the Roman Empire in the Fourth Century AD



EDITED BY
JOHANNES WIENAND

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Contested Monarchy

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Eine Krone ist nur ein Hut, in den es hineinregnet

Frederick the Great

Preface and Acknowledgments

The idea for this volume goes back to a conference held in spring 2009 in southern Germany—in Konstanz specifically, a city the Romans had turned from a rather insignificant settlement and small naval base located on the shores of beautiful Lake Constance into a proper fortress called Constantia during the late third and early fourth centuries AD. This measure was taken when, yielding to external pressure and internal strain, the imperial administration gradually abandoned the territory east of the Rhine. Lake Constance, through which the Rhine flows, thus became a vibrant frontier and contact zone between the empire and what is commonly called *barbaricum*.

The fortress was an impressive landmark, indicative of large-scale administrative reorganization in times of conflict and change, and it was meant to serve as a symbol of imperial strength and determination. Its name Constantia not only stood for firmness and perseverance, expressing the emperors' devotion to security and peace, it also recalled the name of its founder Constantius, who—as a co-ruler within the Diocletianic Tetrarchy and father of the first Christian monarch Constantine the Great—stood at the threshold between the Principate and Late Antiquity.

It was a fitting coincidence that when the Roman fortress was rediscovered in 2003 and excavated over the following years, a group of ancient historians at the University of Konstanz was conducting a research project on the quest for legitimacy and stability of the continually contested Roman monarchy. From 2006 to 2010, I pursued my PhD thesis within this larger research group, focusing on the transformation of triumphal rulership during the Tetrarchic-Constantinian era. The conference held in 2009 was meant to widen the scope of my research, and the present volume, in turn, takes the endeavor of the conference one step further.

The aim of this volume is to reappraise the wide-ranging and lasting transformation of the Roman monarchy between the Principate and Late Antiquity. The focus lies on the period from Diocletian to Theodosius I and thus on a major phase of the development of the Imperium Romanum. During this period, the stability of the empire depended heavily on the mobility of the emperors along the Roman frontiers, on collegial or dynastic rule, and on the military resolution of internal political crises. At the same time, profound religious changes altered the premises of political interaction and symbolic communication between the emperor and his subjects, and administrative and military readjustments changed the institutional foundations of the Roman monarchy. These basic conditions provided the framework for specific social and political cleavages that necessitated intense effort on the part of the ruler to integrate and legitimize the monarchic regime.

This volume focuses on the measures taken by the Roman emperor to cope with the changing framework of his rule. It seeks to analyze the imperial struggle for political and cultural integration within a communicative framework characterized by the interplay of the imperial administration, the performance of monarchic leadership, and religious policy. The contributions to this volume analyze the contested monarchy of the late third and fourth centuries along the lines of these three distinct, yet interconnected fields: Administering the Empire (Part One), Performing the Monarchy (Part Two), and Balancing Religious Change (Part Three). Each field possesses its own historiography, methodology, and analytical concepts. As a result, they have traditionally been treated separately. However, the role of the Roman monarch in a geographically extensive transcultural empire—an empire of enormous social diversity, shaken by severe political and military crises, and undergoing far-reaching religious changes—can be understood properly only if the mutual interdependence of the historical dynamics shaping these fields is taken into account. This volume intends to make a timely contribution to the increasing scholarly efforts toward bringing these different fields of research together.

This unification can only be achieved by transcending the chronological boundaries of traditional historiography: The period from Diocletian to Theodosius has hitherto been examined primarily within the confines of individual reigns or imperial dynasties. Accordingly, most available studies focus on the Tetrarchy, on Constantine, on the Constantinian dynasty, on Julian, on the Valentinian dynasty, or on the Theodosian dynasty. The contributions to this volume intend to demonstrate how important it is also to examine the *longue durée* of the institutional framework, imperial representation, and religious policies. Overcoming traditional methodological and heuristic boundaries

fosters synergies between complementary approaches to the Roman monarchy, which—at least so I hope—allow us to gain deeper insight into the historical dynamics at work, contributing to a more comprehensive understanding of this complex development.

Most of the authors assembled in this book had the opportunity to discuss these issues in the Konstanz conference. Nevertheless, this volume is not a conference proceedings in the strict sense. The authors who participated in the conference have substantially reworked their papers, while other authors who did not attend the conference have contributed chapters to fill thematic gaps. I am particularly delighted that this volume brings together a wide range of European and American scholars, both established and junior, in the field of Late Antiquity. The international range of contributors allows for a fruitful academic exchange between different scholarly traditions.

This volume will certainly not win a prize for the fastest published conference proceedings ever, but it hopefully is a good book nonetheless. Kind friends and colleagues have contributed to pursue this aim. First of all, my gratitude and thanks go to the Series Editor, Ralph Mathisen, for his constant guidance, support, and patience throughout the editing process. Huge thanks must then go to Stefan Vranka, Classics editor for Oxford University Press, his assistants Deirdre Brady and Sarah Pirovitz, and the staff of Newgen Knowledge Works for their excellent editorial work in preparing this volume for publication. I also am very grateful to the anonymous reviewers for their helpful and constructive comments, which have improved the volume considerably.

Nadine Viermann and Christoph Heinrich helped me to prepare the manuscript for print; Carsten Binder drew the map on pp. xx–xxi; Hubert Lanz helped me find the medallion depicted on the book cover (cf. Figure 20.1), the Friedrich-Alexander-Universität Erlangen-Nürnberg provided the image, and Ilse Zwicker generously granted reproduction rights. They all deserve my most profound thanks. I would also like to thank the DFG-funded Collaborative Research Center “Norm and Symbol. The Cultural Dimension of Social and Political Integration” for covering the translation costs. My special thanks go to John Noël Dillon, Stephen Lake, and Noel Lenski, who did a wonderful job translating the non-English papers, and to Lisa-Maria Wichern for additional language editing.

Above all, I would like to thank the authors for their dedication, enthusiasm, and patience, which made this volume possible in the first place.

Johannes Wienand
Jerusalem, March 7, 2013

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List of Abbreviations

The following list assembles the most common bibliographical abbreviations used in this book. For abbreviations of journals and periodicals, see the bibliography.

ACO	Acta Conciliorvm Oecvmenicorvm
AE	Année Épigraphique
ANRW	Aufstieg und Niedergang der Römischen Welt
BHG	Bibliotheca Hagiographica Graeca
BHL	Bibliotheca Hagiographica Latina
BM	British Museum
<i>Brev.</i>	<i>Breviarium</i>
CCSG	Corpus Christianorum, Series Graeca
CCSL	Corpus Christianorum, Series Latina
<i>Chron.</i>	<i>Chronicon</i>
<i>Chron. min.</i>	<i>Chronica minora</i>
CIL	Corpus Inscriptionum Latinarum
CNG	Classical Numismatic Group
<i>Cod. Iust.</i>	<i>Codex Iustinianus</i>
<i>Cod. Theod.</i>	<i>Codex Theodosianus</i>
CSEL	Corpus Scriptorum Ecclesiasticorum Latinorum
<i>Dig.</i>	<i>Digestae</i>
<i>Ep./Epp.</i>	<i>Epistula/epistulae</i>
FHG	Fragmenta Historicorum Graecorum
FIRA	Fontes Iuris Romani Antejustiniani
<i>Fr.</i>	<i>Fragment</i>
<i>Hist. eccl.</i>	<i>Historia ecclesiastica</i>
I.Cret	Inscriptiones Creticae

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ICUR	Inscriptiones Christianae Urbis Romae
IK	Inschriften griechischer Städte aus Kleinasien
ILS	Inscriptiones Latinae Selectae
MGH	Monumenta Germaniae Historica
NAC	Numismatica Ars Classica
<i>Or.</i>	<i>Oratio/orationes</i>
<i>Pan. lat.</i>	<i>Panegyricus Latinus</i>
RE	Paulys Realencyclopädie der classischen Altertumswissenschaft
PG	Patrologia Graeca
PL	Patrologia Latina
PLRE	Prosopography of the Later Roman Empire
RIC	Roman Imperial Coinage
SNG	Sylloge Nummorum Graecorum
<i>Vit. Const.</i>	<i>Vita Constantini</i>

Contributors

BRUNO BLECKMANN Heinrich-Heine-Universität Düsseldorf
HENNING BÖRM Universität Konstanz
STEFFEN DIEFENBACH Universität Konstanz
JOHN NOËL DILLON independent scholar
HAROLD DRAKE University of California, Santa Barbara
JOHANNES HAHN Westfälische Wilhelms-Universität Münster
MARK HUMPHRIES Swansea University
CHRISTOPHER KELLY University of Cambridge
MICHAEL KULIKOWSKI Pennsylvania State University
DOUG LEE University of Nottingham
NOEL LENSKI University of Colorado, Boulder
HARTMUT LEPPIN Goethe-Universität, Frankfurt am Main
RITA LIZZI TESTA Università degli Studi di Perugia
CHRISTIAN REITZENSTEIN-RONNING Ludwig-Maximilian-Universität
München
SEBASTIAN SCHMIDT-HOFNER Eberhard Karls Universität Tübingen
JOACHIM SZIDAT Universität Bern
JOHN WEISWEILER Universität Basel
JOHANNES WIENAND Heinrich-Heine-Universität Düsseldorf





INTRODUCTION

The Cloak of Power

Dressing and Undressing the King

JOHANNES WIENAND

TO PRUSSIAN KING FREDERICK THE GREAT, A CROWN WAS MERELY A hat that let the rain in. Alas, it is not that simple! Pomp and circumstance are essential to monarchic rule, and a crown is far more than a hat, even still more than just a symbol of political power: a crown is a medium in the communicative processes between the ruler and the ruled—a medium (among others) through which sovereignty itself is carved out in the first place.

The idea that a king might just as well do without his regalia (or take off his crown as if it were just a curiously shaped hat) rests on the implicit assumption that the constitutional substructures of political power provide legitimacy in and of themselves. This, however, is a fiction of early modern political theory. A king is not just a private person who occasionally wears a crown to indicate his constitutional right to govern a given polity. Rather, a king is the sum of the social roles he assumes to negotiate ways of exercising his rule when encountering his subjects. To put it differently, there is no such thing as the king's two bodies: analytically speaking, it makes no sense to differentiate a ruler into his human reality, on the one hand (the body natural), and his social functions, on the other (the body politic)—notwithstanding all the folk tales that reflect precisely the desire to strip the ruler of his insignia, if not of his clothes altogether.

A naked king, though, is not a king at all! A king cannot be undressed; he can only be undone. Body natural and body politic are inseparably intertwined. The Libyan Tuareg author Ibrahim al Koni has put this insight at the core of his brilliant Arabic novel *Al Waram* (literally *The Tumor*): a desert leader named Asanay gradually becomes one with the cloak of power—a magnificent leather garment, braided with gold thread, which slowly fuses with the flesh of its bearer. The cancerous cloak of power is a fitting allegory for earthly rule: the individual is inseparable from his public appearances as a ruler, most prominently, his roles as a law-giver and judge, as a victor, and as a religious leader: “The jacket is nothing but a garment made of leather. . . . Whatever power it has comes solely from wearing it. And what matters is how you wear it” (al Koni, *Al Waram*, transl. E. Colla).

A crown, then, is not an item that symbolizes the king's body politic; it is a set of communicative acts superimposed on a particular material object, embedded in a dense texture of performances and discourses from which monarchy itself emerges as a highly complex social system. While in al Koni's novel what matters is how the desert leader wears the cloak of power, what matters in history is how the king utilizes his public roles as instruments of sovereignty; representations of virtue, honor, glory and the like—values a crown can stand for—serve as communicative reference points for fostering subjects' identification with the political order. A crown, then, can provide nodes of legitimacy, just as other acts and symbols may contribute to the general acceptance of the king's claim to sovereignty.

Thus, the most obvious element of earthly command, the availability of coercive force, or *power* ("Macht" in Weberian terms), is transformed into *rule* ("Herrschaft") not by constitutional sleight of hand, but by *legitimacy*—in the sociological, not the legal, understanding of this concept. In his book *On China*, Henry Kissinger expresses this idea of the interdependency of rule and legitimacy with admirable clarity: "Almost all empires were created by force, but none can be sustained by it. Universal rule, to last, needs to translate force into obligation. Otherwise, the energies of the rulers will be exhausted in maintaining their dominance at the expense of their ability to shape the future, which is the ultimate task of statesmanship. Empires persist if repression gives way to consensus" (p. 13).

Kissinger's notion of societal consensus rests on the basic idea that the continuing success of rule depends on the ruler's ongoing ability to win the loyalty, commitment, and allegiance of his subjects. This can be seen not only in the history of China, but also particularly clearly in the political systems of pre-modern societies of the Mediterranean world: in the Ancient Near Eastern and Egyptian monarchies, in the Hellenistic dynasties, in the Roman and Byzantine empires, and in the medieval kingdoms. In countless episodes full of drama and tragedy (occasionally entailing twists of comedy), the historical record exhibits the same pattern again and again: the way in which a pre-modern sovereign encountered his subjects directly affected his options of winning acceptance, which in turn had a direct effect on the success or failure of his rule. A ruler could quickly lose the support of important and influential interest groups, with fatal consequences for himself and his supporters. Latent potential for political disintegration existed even when administrative institutions were sufficiently robust to survive largely unscathed the downfall of a single ruler, and even when, on the contrary, the political system was embodied almost completely in a charismatic leader, as was the case in the early Roman Principate, a system that has duly been characterized as a series

of monarchs lacking a proper monarchy: the notion of *l'État, c'est moi!* in its purest form.

However, the “consensus” of which Kissinger speaks is not easily achieved in a domain as vast as the Roman empire of the fourth century—stretching from the moors of Britain to the deserts of Egypt, and from the Strait of Gibraltar to the streams of Mesopotamia. The political system spanning these vast lands and encompassing a population characterized by huge social, economic, cultural, and religious differences had to be held together by a comparably small administrative elite under pre-modern conditions of mobility and communication. The emperor had to meet the greatly diverging and changing demands of social groups as different and idiosyncratic as the court society and the central administration of the empire, the various strata of the military machine, the wealthy landowning aristocracy, powerful regional interest groups, the Church, and other social and political subgroups of the Roman population.

The most demanding historical challenge is to understand how this peculiar mixture of more or less cohesive social subunits converged in an era of substantial cultural change to build a sufficiently functional social and political hierarchy centered around a leading figure who sometimes sooner, sometimes later, would be replaced by a successor. This question can be answered properly only if the phenomenon of rule is studied from below: by looking at how the ruled (despite all the centrifugal forces at work) could develop what Kissinger has called “obligation.” To talk about the emperor is thus to talk about the empire, which again means talking about its inhabitants and their multifarious relations with the ruler, his chief representatives, and subordinate actors within the imperial administration.

To understand sovereignty and legitimacy in pre-modern monarchies in general, therefore, a timely form of political history is needed, one that integrates on a very basic level the central arenas of reciprocal social interaction between the sovereign and his subjects. In the case of the fourth century AD, these are three distinct but mutually interrelated fields: civil and military administration, ceremony (or monarchic representation), and religion. Each of the three parts of this book is dedicated to one of these fields. All three sections refer back to the problem of legitimacy, and although they differ significantly in the ways they consider this phenomenon, they all seek to provide a proper understanding of how these three fields coalesce into a functionally differentiated, complex political system clustering around the central figure of the monarch. To explain how the three parts of this book approach the contested monarchy of the fourth century AD and how they relate to one another, this introduction will give brief outlines of their aims and methods and introduce the corresponding chapters.

ADMINISTERING THE EMPIRE

The sociopolitical developments of the fourth century created a need to redefine the complex relationship between the emperor, on the one hand, and powerful interest groups such as local aristocracies, imperial elites, and the military, on the other. The first two contributions in this section start from an investigation of the changes in the self-understanding and internal stratification of the Roman aristocracy, analyzing the corresponding implications for the relationship between the emperor and the urban elites of Rome.

In his chapter, “Domesticating the Senatorial Elite: Universal Monarchy and Transregional Aristocracy in the Fourth Century AD,” John Weisweiler explores the ways in which the formation of the late Roman monarchy redefined cultural and social conceptions of the elite and consequently transformed the relationship between emperors and senators as well. In public speeches and official monuments, senators presented themselves no longer as a Republican elite, whose identity was defined by the traditional magistracies of the Roman city-state, but as a global and monarchical class, whose authority derived from their selection by a sacred ruler. Weisweiler shows that the emergence of a new language of power had far-reaching social consequences. It gave the emperor new opportunities to involve senators in competition against each other and made it more difficult for them to articulate resistance against the monarchy. Like the fiscal and administrative reforms introduced by the emperors of the late third and early fourth centuries, the development of new forms of imperial ideology made a crucial contribution to the domestication of the power of the largest landowners in the Roman empire.

In consequence, the growth of the imperial administration in the provinces and the level of central control over their resources also led to a redefinition of the relationship between the imperial center, on the one hand, and members of the imperial and provincial administration, on the other, as John Noël Dillon shows in Chapter 3, “The Inflation of Rank and Privilege: Regulating Precedence in the Fourth Century AD.” His analysis of imperial laws concerning elite ranks issued in the fourth century exposes the intriguing dynamics of imperial conferment of privileges and honors on individuals and elite groups. The emperor was central to all decision-making processes; he was able to control elite competition and to define the closeness of elite members to the imperial court, a power he wielded efficiently and to great effect. As Dillon shows, the fourth century saw a peak in the conferment of rank and privileges, by which status and influence of elite members were regulated. At the same time, the emperor deliberately avoided creating formal criteria for rank advancement. This lack of systematization in the conferment of ranks

and honors allowed the emperor to retain a crucial means of controlling the processes of hierarchy formation within the aristocracy on a case-to-case basis. As a detrimental side effect, however, the proliferation of rank and privilege weakened the authority of the imperial and provincial administration vis-à-vis the provincial population.

In Chapter 4, “Ostentatious Legislation: Law and Dynastic Change, AD 364–365,” Sebastian Schmidt-Hofner analyzes imperial legislation as a medium for promoting monarchic rule in moments of political crisis. Schmidt-Hofner focuses on the crisis of the years 364–365, out of which (after the death of Julian and the brief reign of Jovian) the Valentinian dynasty would emerge as the new *domus divina*. A remarkably extensive body of legal texts survives from this period, the communicative function of which was to encourage loyalty and allegiance among the subjects toward the new regime. Starting from a close analysis of this corpus of texts, Schmidt-Hofner offers general observations on the communicative function of late Roman legislation and arrives at the conclusion that a majority of what we typically consider everyday late-antique legislation served primarily to convey and represent the authority of the emperors and their concern for the population of the vast empire.

The remaining contributions to the first section examine the relationship between the emperor, on the one hand, and the army and local elites, on the other. In Chapter 5, “Emperors and Generals in the Fourth Century,” Doug Lee explores the relationship between the center of monarchic rule and the military. The civil wars and regional fissures of the mid-third century revealed just how fatally vulnerable emperors could be to rival claims on the allegiances of the military. Fourth-century emperors took particular care to try to win and retain the loyalty of the rank and file with symbolic rituals and gestures as well as with material incentives. However, the most serious danger was ambitious generals seeking to divert the affections of the troops under their command. To counteract and neutralize this potential threat, emperors developed a variety of strategies, an investigation of which is the primary concern of Lee’s chapter. These strategies ranged from ensuring that generals received appropriate recognition and material rewards to marginalizing and even eliminating them. Beyond this, Lee examines how emperors took steps to promote an image of military experience and competence.

In some provinces the presence of the emperor himself had a strong impact on the social, cultural, and political development of the region, which again affected power relations within the empire, especially in times of shared rule. In the fourth century, the most important region of the western part of the Roman empire was Gaul (i.e., the *dioeceses Galliarum* and *Viennensis*), which Joachim Szidat explores in Chapter 6, “Gaul and the Roman Emperors of the Fourth Century.” A rich variety of sources gives closer insight into the civil and

military administration, the sphere of the imperial court, the cities, and various local interest groups. Szidat concludes on the basis of a close analysis of this material that the strategic situation of the region transformed fourth-century Gaul into one of the most significant imperial residences and prefectural territories. The need to defend the frontier led to the stationing of a substantial part of the field army in Gaul. Usurpations were facilitated by proximity to free barbarian tribes, which presented an extremely useful recruiting ground for the army. Gaul thus was one of the most important and the most dangerous centers of power at the time. The region was so important for the stability of the monarchic order, that virtually every emperor who could not personally be present in the region installed members of the imperial house there as co-rulers with limited powers to administer the region so as to reduce the threat of usurpations. The withdrawal of the imperial court from the northern frontier by the end of the century dramatically changed the geopolitical importance of Gaul and led to a considerable decline of the region.

In "Regional Dynasties and Imperial Court," Michael Kulikowski analyzes the gradual integration of late Roman regional elites into the imperial administration, tracing strong continuities that span the traditional division between Principate and Late Antiquity. Kulikowski argues that it was mainly the creation of multiple imperial residences and the necessary reliance of the court on regional aristocracies that prompted the inclusion of provincial elites into the imperial administration on an unprecedented scale. Kulikowski argues that regions along the *limes* but physically beyond its notional line should be considered as analogous to those within the *limes*, hence allowing us to interpret the Gallic, Syrian, or Anatolian elites of the fourth century according to the same criteria, and as part of the same historical patterns, as Moorish, Frankish, or Alamannic elites.

PERFORMING THE MONARCHY

The chapters of the first section are concerned with the structure, the functions, and the gradual transformation of the institutional foundations and administrative resources of the Roman monarchy in the fourth century; the contributions to the second section focus specifically on the role of symbolic forms of communication and ritualized forms of interaction between the sovereign and his subjects. The first set of contributions to this section deals with the impact of usurpation and civil war on the Roman monarchy, one of the most important driving factors in the history of the fourth century AD.

With his chapter "Emperors, Usurpers, and the City of Rome: Performing Power from Diocletian to Theodosius," Mark Humphries analyzes the role

of civil war in shaping the relationship between the emperor and the political elite of Rome. Humphries starts from an analysis of imperial visits to the city of Rome, which regularly occurred in the aftermath of civil wars in which members of the Roman aristocracy had supported the defeated emperor, and retraces the characteristic patterns of these episodes. He suggests not only that usurpation constituted an important dynamic for the interaction of Rome with the imperial court, but also that civil war significantly influenced the way imperial power was articulated and received in the city.

In my chapter “*‘O tandem felix civili, Roma, victoria!’ Civil-War Triumphs From Honorius to Constantine and Back,*” I offer a complementary investigation, starting from a close analysis of two well-documented late Roman triumphal processions: Constantine’s triumph over Maxentius in 312 and Honorius’ triumph over Priscus Attalus in 416. These victory performances mark the beginning and conclusion of a series of triumphs in the city of Rome that deliberately included dramatic representations of martial achievements in civil war. I argue that the need to celebrate a civil-war victory with performances, monuments, and narratives that were formerly restricted to external victories (e.g., a triumphal procession, a triumphal arch, a battle frieze) resulted, on the one hand, from significant structural changes of the Roman monarchy in the third and fourth centuries and, on the other, from the fierce rivalry between emperors in the period of late Tetrarchic collegial rule, a situation in which a massive display of the emperor’s military achievements was an important prerequisite for the cultivation of loyalty and obedience within the *apparatus imperii*.

The next two chapters also center around the topic of civil war. Christianization had a significant impact on internal conflicts. In Chapter 10, “Coping with the Tyrant’s Faction: Civil-War Amnesties and Christian Discourses in the Fourth Century AD,” Hartmut Leppin explores the impact of Christianization on the way emperors treated victories in civil wars. Christianization deeply affected how the emperor portrayed his role as a commander and victor in civil war. Triumphal processions were reformulated without reference to pagan deities; triumphal imagery merged with Christian concepts; Christian prayers became an integral part of the ruler cult in the army, and warfare and military conflicts were increasingly viewed in terms of Christian conceptions of heavenly and earthly rule. One significant aspect of this development not analyzed closely thus far is the treatment of enemy soldiers after their defeat in civil wars. Leppin’s detailed examination of this phenomenon sheds light on the impact of religious change on the military representation of the emperor. Leppin focuses on three test cases: first on Magnentius’ soldiers and their treatment by Constantius II in 352/353, then on the supporters of Procopius and

their treatment by Valens in 366, and finally on the adherents of Maximus and their treatment by Theodosius I in 388. These cases highlight how the Christianization of the Roman monarchy led to a Christian reformulation of acts of mercy as an innovative means of expressing clemency, humanity, and Christian piety.

While Christianity played an increasing role in the relations between emperors and soldiers, panegyric served as one of the most effective media for creating and sustaining consensus between the aristocracy and the emperor: its political significance was especially pointed after political ruptures, such as those that repeatedly resulted in civil wars during the third and fourth centuries. Starting with the Gallic orator Drepanius Pacatus, who delivered a panegyric to Theodosius in Rome in 389—shortly after the defeat of Magnus Maximus in civil war—Christopher Kelly devotes Chapter 11, “Pliny and Pacatus: Past and Present in Imperial Panegyric,” to the figure of the panegyrist, one of the most important intermediaries in encounters between members of local aristocracies and the emperor in the ceremonial setting of the imperial court. Kelly illustrates in detail how, under the restrictive conditions of the ceremonial setting and with the topical use of earlier exempla of the genre (especially Pliny the Younger’s *Panegyricus*), the orator plausibly demonstrates his change of loyalties among the aristocracy.

The increasing relevance of ruler colleges made necessary the development of new strategies for establishing and maintaining coherence and stability within the imperial *domus*. In Chapter 12, “Born to Be Emperor: The Principle of Succession and the Roman Monarchy,” Henning Börm explores the impact of imperial dynasties on the stability of the Roman monarchy in the fourth century. The dynastic principle was an important means of organizing imperial succession from the earliest phase of the Roman monarchy onward. However, the principle of dynastic succession competed with the meritocratic principle throughout the Principate. Börm argues that the rule of Constantine marked an important change in this respect. Constantine’s focus on the dynastic principle resulted from the need to outweigh the normative force of Tetrarchic ideology. Therefore, the idea of a hereditary monarchy was spelled out explicitly and in great detail in the panegyrics, in Eusebius, and also later in the writings of the emperor Julian. From Constantine onward, imperial colleges composed of biological relatives were the standard option of monarchical rule. This, however, reinforced disputes and conflicts over rank, authority, and competence, since all members of a dynastically legitimized ruler college could claim an equal share in power. The resulting conflicts, in turn, could only be resolved by a gradually increasing territorial demarcation of the individual dominions.

Representations of imperial power are not merely ephemeral phenomena of monarchical rule: symbols, rituals, and narratives in fact structure the processes of political negotiation between the sovereign and his subjects and define the conditions of their success or failure. In “Performing Justice: The Penal Code of Constantine the Great,” Christian Reitzenstein-Ronning examines this political dimension of symbolic communication through an analysis of ostentatious acts of inclusion or exclusion primarily in the sphere of criminal proceedings. In these performances the late Roman monarchy delineated and reinforced with a fine-grained scale of distinction the social stratification of its subjects. Reitzenstein-Ronning observes both an intensification of public performances of punishment and an expansion of criminal law to cover a continuously growing range of offenses. This amounted to an increase in the “dramatic” quality of such monarchic performances. Reitzenstein-Ronning raises the question of how these acts contributed to integrating the political and social system of the late Roman empire. He argues that the strength of this legal system lay in the very fact that criminal proceedings provided the Roman emperor with an arena for self-portrayal and self-description as the ultimate reference point of punishment and mercy—that is, of justice.

BALANCING RELIGIOUS CHANGE

The contributions to the first two sections occasionally broached the topic of religion. The third section systematically examines the emperor’s role in religious change and religious conflict. In Chapter 14, “Speaking of Power: Christian Redefinition of the Imperial Role in the Fourth Century,” Harold Drake sets the stage for analysis of this theme, opening up a broad panorama of the changes that slowly but surely transformed the fraught relationship between the Christian religion and the Roman state and fundamentally redefined the status of the emperor himself. Drake’s study starts from a close examination of Eusebius’ Tricennial Oration, the earliest surviving imperial panegyric presented before the emperor by a Christian bishop. As Drake observes, Eusebius’ consensual portrait of the emperor as a quasi-divine figure suffered an unfortunate fate in subsequent Christian discourse. Later Christian thinkers such as Athanasius of Alexandria, Hilary of Poitiers, John Chrysostom, or Ambrose of Milan contested the emperor’s claim to have a special relationship with the divine and to possess a corresponding pre-eminence in questions pertaining to church affairs. John Chrysostom even observed that kings were inferior to Christian monks. This discourse centered on the question of privileged imperial access to the divine and resulted in a gradual deconstruction of the emperor as the final arbiter in the world: in a Christian empire, final judgment

rested with the Christian God. The idea of a Roman emperor as part of the divine sphere, inherited from the imperial ideology of the Tetrarchic era, was gradually reformulated to correspond to Christian cosmology. Drake examines how the development and intensification of these Christian discourses ultimately also affected the emperor's self-portrayal.

The next two chapters in this section focus on the role Rome and Constantinople played in imperial representation and religious policy in the Constantinian transformation of the Roman monarchy. In Chapter 15, "Constantine, Rome, and the Christians," Bruno Bleckmann calls for a reappraisal of the traditional view that Constantine's conversion was the driving force behind his way of dealing with the city of Rome. Bleckmann proposes to reverse the burden of proof and to regard the Constantinian ideology of Rome as the primary parameter underlying the changes in imperial representation after the victory at the Milvian Bridge. Bleckmann's detailed analysis of the material remains and the literary sources is the backdrop for his interpretation of Constantine's "Romprogramm," which locates the Constantinian building program, the imperial imagery on coins and other monuments, and the relationship with the divine sphere within an ideological context that merged aspects from both the Tetrarchic tradition and Constantine's rivalry with Licinius.

With Chapter 16, "Constantine and the Tyche of Constantinople," Noel Lenski shifts attention from Rome to Constantine's new residential capital and examines the religious and political function of Constantine's rededication of the cult of the city goddess Constantinopolis. In a detailed analysis of a Constantinian coin series depicting Constantinopolis and of literary sources on the imperial festivals and monuments of Constantinople, Lenski argues that Constantine cautiously remodeled the centuries-old pagan tradition of the Tyche of Byzantium, showing how wrong Eusebius was to have believed that Constantine founded Constantinople as a *tabula rasa* in terms of imperial and religious semantics. The Tyche can thus be understood as yet another example of the religious experimentation so characteristic of Constantine that helped him to bridge the gap between the empire's pagan past and its Christian future.

In Chapter 17, "A Vain Quest for Unity: Creeds and Political (Dis)Integration in the Reign of Constantius II," Steffen Diefenbach analyzes the political impact of the religious policy of Constantius II. First, Diefenbach argues that Constantius' active enforcement of an empire-wide, uniform creed must be understood as an imperial endeavor that was not driven primarily by pragmatic considerations. Based on this observation, Diefenbach investigates the disintegrative and integrative potentials of this policy from the viewpoint of the local and regional levels. He argues that conflicts within the church during

that time were not essentially triggered by Constantius' "Bekenntnispolitik." Rather, the stasis-like conditions that can be observed in some cities resulted from the enhancement of the status of members of the clergy, which increased and intensified the formation of factions at both the local and regional levels.

A particularly contentious aspect of Christianization is religious violence, which also had a strong impact on the interaction between the emperor and his subjects, as discussed by Johannes Hahn in Chapter 18, "The Challenge of Religious Violence: Imperial Ideology and Policy in the Fourth Century." Hahn analyzes the role played by the emperor in religious conflicts between Christians and non-Christians as well as in conflicts between Christians of different denominations. The Constantinian revolution, with its strong support of a religious minority, implied a desacralization and delegitimization of the emperor in the religious field: the imperial cult, instrumental for relations with local elites and subjects in the provinces, vanished, as did sacred elements in imperial propaganda. While imperial religious legislation soon paid tribute to tireless Christian lobbying, imperial pragmatism mostly favored traditional local structures and eschewed interventionism. However, the growth of the church and its powerful organization, as well as occasional militant Christian action, could lead to polarization and bitter conflicts in cities and the countryside. While often simply veiling battles for political and economic power, endemic internal Christian struggles and anti-pagan or anti-Jewish violence were (though often unabashedly illegal) regularly justified in religious terms and difficult to counter by imperial fiat. Thus, widespread religious conflict and violence not only seriously endangered public order but also presented a major challenge to imperial peace, ideology, and policy.

Rita Lizzi Testa's contribution, "The Famous 'Altar of Victory Controversy' in Rome: The Impact of Christianity at the End of the Fourth Century," reassesses the theory of a pagan reaction against the Christianizing tendencies of the Roman emperors. Her reconstruction of the "altar of Victory controversy" reveals that a complete rejection of the thesis, as is common in recent scholarship, fails to account for the fact that even politically influential citizens were able to retain a pagan identity up to the fifth century. Lizzi Testa uses the particularly well-documented episode of the altar of Victory controversy to show that such a reaction declared itself in a much less overt manner than claimed by contemporary Christian authors. Nevertheless, the polarity between Christianity and pagan traditions influenced the organization of senatorial pressure groups in political decision-making processes; it also shaped the processes of negotiation between groups from differing religious affiliations, and consequently also between the Roman aristocracy and the emperor.

The epilogue to this volume casts a concluding glance at the medallion depicted on the book cover (and again as Figure 20.1). Seen in context, this exceptional coin gives instructive insight into the contested monarchy of the fourth century AD and brings into focus one last time the diverse themes discussed in this volume.

In sum, the social, political, and religious changes of the fourth century profoundly affected the role of the Roman monarch within the highly complex political system of the empire. The transformation of the Roman world from the Principate to Late Antiquity went hand in hand with a substantial reformulation and adaptation of imperial strategies for retaining the loyalty and allegiance of the *apparatus imperii*, the military sector, powerful regional interest groups, the church, and other social and political subgroups of the Roman population. These processes can be traced in the changing interaction between the emperor, on the one hand, and the military and civil elites as well as civic populations, on the other, in innovations in the field of monarchic self-representation, and in the emperor's intervention in religious affairs.

PART ONE

Administering the Empire

Domesticating the Senatorial Elite

Universal Monarchy and Transregional Aristocracy in the Fourth Century AD

JOHN WEISWEILER

IN THE FIRST THREE CENTURIES AD, THE GOVERNING ELITE OF THE Roman empire was a small group of officeholders, living in one city.¹ There were around six hundred senators, and all of them were legally required to establish their residence in Rome.² But since the 320s, membership in the senate expanded massively. In the course of the fourth century, senatorial rank was conferred on ever-larger groups of officeholders. Around the year 400, total membership in the senate had increased almost sevenfold, to more than four thousand. Most of the new senators did not come from Rome, nor did they relocate there after their acquisition of senatorial rank. The governing elite of the Roman empire transformed from a face-to-face society, based in Rome, into a trans-regional aristocracy, whose members were dispersed throughout the provinces of the Mediterranean World.³

Several excellent studies have elucidated the administrative reforms that made possible this far-reaching reorganization of the imperial ruling class. In particular, important works by Andre Chastagnol, Wolfgang Kuhoff, and Peter Heather have mapped the distinctive institutional structure of the late-antique elite.⁴ Also the economic impact of the new configuration of power has come into sharper focus. Fine studies by historians such as Domenico Vera, Chris Wickham, and Jairus Banaji have delineated the ways in which the formation of new fiscal and monetary systems reshaped local economies throughout the Mediterranean World in ways conducive to the interests of the new

1 Brilliant accounts of the institutional structure of the early-imperial senate are offered by Talbert 1984; Hopkins/Burton 1985; Chastagnol 1992, 1–242; Eck 2000.

2 The classic treatment of the senatorial residence requirement is Chastagnol 1977. The links of senators to their hometowns are explored by Eck 1997.

3 The transformation of the senate into a trans-regional elite is traced by Jones 1964, vol. 2, 552–554; Löhken 1982, 103–107; Chastagnol 1992, 312–314.

4 Kuhoff 1983; Chastagnol 1992; Heather 1994; Heather 1998.

trans-regional ruling class.⁵ By contrast, we know much less about the set of ideas that motivated the late-antique expansion of the imperial ruling class. On which understandings of aristocratic authority could emperors and senators rely to make sense of and justify the formation of a trans-regional aristocracy in the fourth century?⁶

This cultural foundation of integration is the subject of this chapter. It sketches the shape of the ideas that made possible the expansion of the imperial aristocracy in the fourth century. I suggest that the formation of a trans-regional aristocracy was the product of a significant shift in Roman understandings of monarchical power. In Late Antiquity, emperors presented themselves no longer as Republican monarchs, whose power derived from legal acts by the Roman senate and the Roman people, but as sacred kings of the earth, chosen by divine powers to safeguard the welfare of the entire human species. I propose that this transformation in Roman understandings of monarchical power had far-reaching repercussions on the ways senatorial authority was conceptualized. In the same way the emperor had become a universal monarch, whose care extended not merely to the Roman city-state but to the entire world, so also the senate transformed into a global elite, which united the best men of the inhabited earth and whose authority derived from their selection by a divinely ordained monarch.

Remarkably, this new conception of the senate as a monarchical elite was adopted not only by the thousands of former small-town notables who in the fourth century for the first time became members of the senate. It also was endorsed by the highest stratum of the aristocracy, the *nobilitas*, the select circle of families who claimed descent from senior officeholders of previous generations. The new idea of the senate as an international and monarchical elite helped to motivate the inclusion of ever-wider groups into the senate, and to instill a sense of unity and common interest among the members of a geographically dispersed, socially heterogeneous, and religiously divided aristocracy.

5 Vera 1995; Wickham 2005; Banaji 2007. In an earlier paper, I explored the bonds of economic dependence that tied the trans-regional landowners in the Late Roman senate to the institutions of the Roman state: Weisweiler 2011.

6 In seeking to define the self-understandings of the Later Roman senate in greater detail, this chapter draws on a wide range of excellent studies of aristocratic culture in the later Roman empire. I particularly admire Matthews 1990; Salzman 2002; Brown 2012. What is distinctive about the approach outlined here is that I seek to expose the surprising extent to which the self-understandings of Late Roman senators were reshaped by the late-antique changes in imperial ideology.

THE DIVINE KING OF THE WORLD

To trace the contours of the self-understandings of the senate in the fourth century, it is necessary to look more closely at the ways in which the formation of the Late Roman state had redefined the public image of emperors. In the first two centuries of the Roman monarchy, modes of interaction between rulers and imperial aristocracy were deeply shaped by the ideology of Republican monarchy.⁷ The emperor fashioned himself as *princeps*, first citizen among equals. Statues put up for living monarchs normally showed them as human individuals with distinctive personal traits. Latin honorific inscriptions also staked out a claim that emperors were senatorial officeholders: they contained their name, followed by the public offices and titles conferred upon them by the senate and the people of Rome. The ideology of the Principate was not merely a meaningless fiction but had far-reaching consequences on the ways senators and emperors conducted their relationship. By claiming that they were the first magistrates of a restored Republic, Augustus and his successors pledged that they would treat members of the old ruling class of the empire not as subjects but as friends. This expectation was largely fulfilled by early imperial monarchs. In the first two centuries AD, senators not only monopolized the highest-ranking government posts in the empire. They were also the largest recipients of imperial gifts and the most influential brokers of imperial patronage.⁸

But in the late second and early third centuries, the intimate relationship between emperor and aristocracy was disrupted. External invasions and civil wars forced emperors to spend increasing periods of time with their armies in the frontier regions of the empire. The fact that they now spent most of their reigns away from Rome made it easier for monarchs to evade long-standing expectations of accessibility and open-handedness toward senators.⁹ Institutional transformations further enhanced the bargaining power of the emperor vis-à-vis the imperial aristocracy. Faced with the urgent need to raise new revenues to ensure the loyalty of the legions, the monarchs of the third century enhanced the fiscal and administrative capacities of the Roman state. Long-standing tax exemptions fell into disuse, and the private administration

7 The sociocultural shape of the Principate is brilliantly elucidated by Wallace-Hadrill 1982; Winterling 1999; Rowe 2002; Winterling 2009. Ando 2011, 81–114 exposes the far-reaching ways in which the Republican tradition was influenced by its implication in the project of Republican monarchy.

8 Bang 2008, 98–104, highlights the economic profits derived by imperial aristocrats from the social constellation of the Principate. Duncan-Jones 1982, 143ff., offers a useful list of senatorial fortunes attested in early imperial literary sources. Saller 1982 maps the central role played by senators in the early imperial economy of patronage.

9 Halfmann 1986, 50–64, and Barnes 1982, 47–65, trace the itineraries of third-century emperors.

of the emperor's household gradually evolved into a centralized, salaried, and much-enlarged imperial administration. The absence from Rome and the formation of a more robust fiscal and administrative apparatus increased the ability of emperors to disregard senatorial sensibilities.¹⁰

The public image of the emperor expressed the shifting balance of power between monarchy and imperial aristocracy. As Carlos Noreña has recently shown, already under the Severan dynasty (193–235), commissioners of monuments for emperors began to experiment with new representations of monarchical power.¹¹ During the permanent warfare of the middle decades of the third century, the pace of ideological change accelerated. The traditional role of the emperor as Roman magistrate lost in importance, and divine and martial aspects of his persona received heightened emphasis.¹² Several rulers made important contributions to the formation of a new imperial style, but it is the host of art and panegyric produced during the long reigns of the emperor Diocletian (284–305) and his three co-rulers from which the outlines of the new monarchical image can be traced most clearly. In public monuments and official speeches, the Tetrarchs were depicted as invincible military leaders, who had been chosen by Jupiter and Hercules to vanquish the empire's enemies. The rulers of the empire were seen no longer as senatorial magistrates, whose legitimacy derived from elections by the senate and the people of Rome, but as civilizational heroes who had been selected by divine powers to defend the empire against the forces of barbarism.¹³

Artists and panegyrists working at the court of the emperor Constantine (306–337) drew on many of the central themes of Tetrarchic ideology. For example, the large eyes of the emperor, conveying notions of imperial omniscience and divine knowledge, are reminiscent of representations of Diocletian and his co-rulers. Similarly, the relentless celebration by Constantine's panegyrists of the cosmic origins of the emperor's power recalls forms of imperial representation pioneered by the Tetrarchs and earlier emperors of the third century. But despite important continuities in the deep structure of imperial ideology, the art and oratory produced at Constantine's court was deliberately designed to create the appearance of a break with his predecessors. Whereas most

10 Kelly 2004, 107–185; Eich 2005; Bransbourg 2008 outstandingly analyze the Late Roman strengthening of state capacity.

11 Noreña 2011a magisterially maps the beginnings of the process by which the traditional ideology of rulership slowly dissolved. Rowan 2012 analyzes the divine guardians of Severan emperors.

12 The self-representation of third-century emperors is traced by Potter 2004, 215–298; Berrens 2004; Manders 2012.

13 On Tetrarchic portraiture, see L'Orange et al. 1984, 3–36; Smith 1985, 180–183; Kolb 1987; Rees 2004; Boschung 2006.

emperors of the late third and early fourth centuries had presented themselves as middle-aged imperial generals, wearing full uniform and military stubble, Constantine appeared to his subjects clean-shaven and in youthful beauty. He looked upward to heaven and was surrounded by rays of sunlight. After 325, Constantine wore a diadem, an unambiguous symbol of monarchical power, which had deliberately been avoided by all of his predecessors.¹⁴ As Jonathan Bardill has recently shown, the most immediate precedents for these symbols of authority are found in the Hellenistic World. Significantly, diadem, upward gaze, and solar imagery are typical features of representations of Alexander the Great and his successors. These Hellenistic symbols of kingship communicated a model of monarchy that differed in important regards from that current in Rome. Greek political philosophers of the Hellenistic period asserted that there was a precise correspondence between worldly and divine forms of authority. Just as in heavens the highest god ruled the universe in perfect rationality, so on earth he had appointed a divine king who governed humankind through his supreme justice.¹⁵ It was this care of the good king for the world that was expressed by the imagery deployed by Hellenistic monarchs. By adopting these tactics of self-presentation, Constantine inserted himself into this tradition of sacred rulership. Gaze, solar imagery, and diadem suggested that he wished to be seen as a divinely ordained king in the Hellenistic tradition: “he was the solar deity’s chosen king on earth, imitating that god and reflecting divine light on his subjects to ensure their freedom, security and salvation.”¹⁶

The new image of rulership developed at Constantine’s court was immensely influential. It was closely followed by almost all emperors of the fourth century.¹⁷ Official representations of rulers showed them as divine youths, beardless, and endowed with Constantine’s jeweled diadem. Indeed, images of later fourth-century emperors resemble each other so closely that the identity of individual rulers can often no longer be recognized. As R. R. Smith observes, the uniform appearance of different emperors conveys a new understanding of monarchical power. The ruler of the Roman world was no longer perceived as a human being, with idiosyncratic personal characteristics, but as the unchanging embodiment of divine energy.¹⁸ The same image of the monarch as a sacred

14 The meaning of Constantine’s image is excellently surveyed by Smith 1985, 215–221; Smith 1997, 185–187; Elsner 2006, 260–264.

15 Of the raft of outstanding work on Hellenistic kingship ideology, I single out Gehrke 1982; Walbank 1984; Ma 2003.

16 Bardill 2012, quoted at p. 42. The complex links between Christianity and the emperor’s solar religion are carefully traced by Wallraff 2013.

17 On post-Constantinian portraiture, see the outstanding treatments by L’Orange et al. 1984; Zanker/Fittschen 1994, no. 120–127.

18 Smith 1985, 220.

ruler was communicated by imperial epigraphy. Whereas honorific inscriptions from the early empire normally recorded the precise list of the legal authorities conferred upon the emperor by the senate and the people of Rome, commissioners of late-antique inscriptions employ a new religious language to describe the imperial office. They depicted the emperor no longer as “consul” and “holder of tribunician powers,” but as “savior of the human species,” “liberator of the earth,” or “invincible master.” Significantly, these new divine epithets could be applied interchangeably to different rulers. Already in the third century, these unofficial titles had begun to supplement the traditional titlature of emperors; in the post-Constantinian period, the old Republican titles almost completely disappear.¹⁹ Like changes in the visual representation of emperors, so also the emergence of a new epigraphic vocabulary pinpoints a crucial shift in Roman understandings of monarchical power. The emperor had transformed from a Republican magistrate, elected by the institutions of the Roman city-state, into a divine king, whose authority derived from larger cosmic processes.

DIVINE MONARCHY AND REPUBLICAN ARISTOCRACY

But whereas the public image of the Roman monarchy radically changed in the late third and early fourth centuries, senators initially remained remarkably unaffected by the transformations of the period. In line with the political ideology introduced by Augustus, the military rulers of the period allowed members of the ancient ruling class of the Roman empire to conduct their lives as if the Republic had never ended. Several times a month, they assembled in the curia on the western side of the Forum Romanum. At senatorial meetings, they wore the same dress and conducted the same rituals as their Republican predecessors. Also the structure of their political careers remained largely unchanged. The internal hierarchy of the senate was still defined by the same five magistracies that had determined the worth of its members since the third century BC: quaestor, tribune, aedil, praetor, and consul. As in the time of Augustus, so also in the early fourth century senators maintained their identity as a Republican elite, whose lives were framed by the institutions of the Roman city-state.²⁰

19 On the new epigraphic vocabulary, see Chastagnol 1988; Cameron 2011, 52–55; Weisweiler 2012a, 326–329.

20 Excellent treatments of the history of the senate in the third and early fourth centuries are offered by Dietz 1980; Jacques 1986; Chastagnol 1992, 206–258. These studies show that there was a remarkable amount of continuity in social composition and institutional structure across this period.

And yet, the outward appearance of continuity obscures the subtle ways in which the abandonment by emperors in the later third century of the ideology of Republican monarchy destabilized the place of the senate in the structures of empire. By highlighting the superhuman origins of their power, late-antique rulers weakened the legitimacy of the traditional institutions of the Roman city-state. If emperors no longer derived their right to rule from elections by Republican institutions but from larger cosmic processes, how much honor could senators still hope to derive from their traditional role as an assembly of Republican magistrates? From this perspective, there was a price to be paid by senators for their participation in a pre-monarchical political culture. As a self-consciously Republican elite, they lacked the opportunity to tap into some of the new cosmic sources of legitimacy that had been unlocked by the emperors of the later third and early fourth centuries.

Administrative changes carried out by the rulers of the period posed another threat to the social standing of the senate. Whereas in the early empire the most powerful governorships in the empire (those of the large military provinces in which armies were stationed) had been reserved for ex-praetors and ex-consuls (holders of the two highest senatorial magistracies), since the early third century AD these posts were increasingly held by equestrians (members of the second-highest status group in the Roman empire). Since the reign of the emperor Gallienus (260–268), senators were formally excluded from the government of provinces in which armies were stationed.²¹ This not only meant that the political careers of senators became much shorter and less profitable than in previous centuries. The removal of military commands also had the consequence that in practice they no longer participated in the choice of emperors. Due to the near complete loss of Latin literature produced in the third century, no contemporary accounts on the effects of Gallienus' reform survive. But when in 361 the senatorial historian Aurelius Victor reflected on the long-term historical effects of the measure, he interpreted the inability (or unwillingness) of senators to win back their previous responsibilities as a symptom of a disgraceful loss in civic virtue:

Henceforth, the power of the army increased, and until our time, the senators lost their sovereignty and the right to elect emperors. It is unknown whether they did so out of their own wish (because of indolence or cowardice), or because they wanted to avoid civil wars. For even though

21 Christol 1986 offers the most detailed analysis and interpretation of the evidence on Gallienus' reform. Ando 2012, 176–200, explores the ideological background to the third-century transformations in governmental structure.

senators lost military commands through the edict of Gallienus, they could have won them back under the reign of Tacitus, when the legions graciously allowed it. In this case, Florianus would not have ruthlessly taken power. Nor would another emperor (even a good one) have been elected by the soldiers, if the greatest and most distinguished order had still been present in the military training grounds. While senators relished their absence from high office and feared for their riches (whose enjoyment they considered a greater good than winning lasting achievements), they paved the way for soldiers and near barbarians to rule as masters over themselves and over their descendants.²²

It is highly doubtful whether senators indeed enjoyed the opportunity, as Victor claims, to reverse Gallienus' reform. Nor should we take seriously his assertion that after the death of the emperor Tacitus (275–276) they were offered the choice to elect a new emperor. Still less do we need to endorse Victor's suggestion that senators did not further engage in politics because they "relished their absence from high office and feared for their riches" (*oblectantur otio simulque divitiis pavent*). Even so, the fact that Victor interprets the drop in political participation as symptom of moral decay highlights the threat posed to the collective honor of the senate by Gallienus' measure. Like the adoption by emperors of new ideologies of divine kingship, so also the removal from key government posts posed a challenge to the self-esteem of the ancient ruling class of the Roman empire.

The reforms of the senate undertaken by the emperor Constantine may usefully be situated in this context. They were designed to resolve the contradictions generated by the coexistence of a divine monarch with the ancient Republican aristocracy of the Roman state. In the early 320s, while preparing for war against his last surviving rival Licinius, the ruler over the western provinces of the Roman empire radically reorganized social structure and public image of the senatorial order. The reform had two main components. On the one hand, Constantine conferred full senatorial rank on the most influential equestrian officeholders, such as praetorian prefects (the emperor's chief judicial, fiscal, and administrative officials) and governors of the most important nonsenatorial provinces. Henceforth, all holders of these posts automatically became senators.²³ On the other hand, by upgrading the rank of many formerly equestrian offices, Constantine made them again accessible to long-standing

22 Aur. Vict. *Caes.* 37.6–7. Bird 1984 offers a useful study of this underestimated historian.

23 The effects of the Constantinian reforms of the senatorial order are traced by Stein 1949, vol. 1, 117–122; Jones 1964, vol. 1, 106–107; vol. 2, 526–527; Chastagnol 1982, 172–175; Kuhoff 1982, 275–278; Heather 1998, 185–186; Kelly 2006, 197.

members of the senate. As a result, members of old Roman families obtained exciting new opportunities for patronage and enrichment.²⁴

But at stake in Constantine's reform was more than merely a series of administrative reorganizations. The fact that a senatorial career now involved serving the emperor in offices that had no Republican precedents, but which had evolved out of the private administration of the imperial household, changed what it meant to be a senator. In the wake of the Constantinian reforms, the internal hierarchy of the senate was no longer defined by the five ancient magistracies of the Roman state but by senior posts in the monarchical administration. Only the consulate maintained its role as the splendid apex of an officeholding career. But even this post had strongly monarchical connotations. Already in the first century AD, unlike other traditional magistracies, this office had been seen as an imperial office; as Fergus Millar observes: "The very prominence of the consulate as the crown of the regular senatorial career, and the function of the consulate *ordinarius* in giving a name to the year, meant that it passed rapidly and completely into imperial gift."²⁵ Otherwise, the top ranks in the new order of precedence were held by executive posts filled by direct imperial appointment. The most important among them were the praetorian prefects (the emperor's chief administrative, judicial, and fiscal official) and the urban prefects (his direct representative in Rome and later in Constantinople, who also chaired meetings of the senate). They bore the title *iudices vice sacra*, delegates of the emperor's sacred authority.²⁶ The next tiers in the new pyramid of honors were occupied by a variety of medium-ranking officials, such as the proconsuls (the highest-ranking governors) and the *vicarii* (subordinates of the praetorian prefects). By contrast, the traditional Republican magistracies of quaestor and praetor, elected by the senate, held the lowest ranks in the new hierarchy.²⁷

These changes in the order of precedence involved more than merely questions of protocol. As John Lendon has shown, Rome was an "empire of honor," in which the formal rank of aristocrats defined not only their legal status but also their life chances and economic opportunities.²⁸ In this sense, the dominant role played by monarchical offices in establishing the pecking order of

24 The profits derived by leading *nobiles* from the Constantinian reforms are explored by Novak 1979; Löhken 1982, 112–134; Marcone 1993; Lizzi Testa 2009d, 120–123.

25 Millar 1977, 306–309, cited at 309.

26 Jones 1964, vol. 1, 481; vol. 3, 1204. The emergence of the title is elucidated by Peachin 1996, 188–207.

27 On senatorial elections to the quaestorship and praetorship, see CIL 6.1708 = 41318 = ILS 1222, with Seeck 1884.

28 Lendon 1997; Schmidt-Hofner 2010 explores the legal regulation by late-antique emperors of the aristocratic society of honor.

senatorial society expresses a significant shift in Roman conceptions of aristocratic power. Constantine had transformed the senate from a Republican aristocracy, in which rank was decided by the traditional magistracies of the Roman city-state, into an explicitly monarchical elite, in which the worth of an aristocrat depended on his imagined closeness to a divine emperor.

THE BEST MEN FROM ALL THE PROVINCES

A text produced some months after the beginnings of the reforms is suggestive of the ways in which the reorganization of the imperial aristocracy redefined the public image of the senate. On March 1, 321, in the curia in Rome, the Gallic orator Nazarius gave a speech of praise on the emperor Constantine.²⁹ Occurring no more than a couple of months after the first stages of the reform of the senatorial order had taken effect, it offers the precious opportunity to glimpse an attempt by a well-informed contemporary to make sense of the recent changes in the social composition of the imperial aristocracy. While most of the text is taken up by a retelling of Constantine's liberation of Rome from the tyranny of Maxentius, in the final section of the speech Nazarius turns to an exploration of the peacetime benefactions lavished by the emperor on his subjects:

It would be tedious to enumerate the benefactions of the emperor. They shine forth unceasingly, returning upon the earth without interruption in unison with his benevolence. They are so infinite in number and bring so many benefits that neither the multitude of them all nor the usefulness of individual ones will ever draw a veil of oblivion over our gratefulness. You experienced, Roma, that at last you were the citadel of all nations and of all lands the queen, now that you were promised the best men from all the provinces for your city-council, so that the dignity of the senate was no more illustrious in name than in fact, since it consisted of the flower of the entire world.³⁰

In important regards, Nazarius' praise of Constantine's decision to include "the best men from all the provinces" (*ex omnibus provinciis optimates viros*) into the senate draws on long-established understandings of aristocratic authority in the Roman world. Already in the middle Republic, the senate had conceived

²⁹ On the context of the speech, see Nixon/Rodgers 1994, 334–342 and Wienand 2012, 281–287 with further literature. On the identity of Nazarius, see Barnes 2011, 183–184.

³⁰ *Pan. Lat.* 4(10).35.1–2. This translation is a modified version of the excellent rendering by B. S. Rodgers in Nixon/Rodgers 1994, 380.

of itself as an aristocracy of virtue: according to the *Lex Ovinia*, a law passed by the popular assembly sometime between 339 and 312 BC, senators should be recruited from “the best men from all ranks.”³¹ In the early empire, similar ideas of the senate as an open elite legitimized the admission into the senate of growing numbers of men who had been born in the provinces. In Book XI of Tacitus’ *Annals*, the emperor Claudius gives a speech in which he argues in favor of allowing select members of the elite of the provinces of Gaul to participate in elections for senatorial magistracies:

My ancestors (whose progenitor Clausus was a Sabine who was admitted both to Roman citizenship and to the patriciate) encourage us that we make similar decisions for the Republic and transplant to us from anywhere whatever is excellent. For I am well aware that the Iulii come from Alba, the Coruncani from Camerium, the Porcii from Tusculum and (not to explore archaic times any further) others from Etruria, Lucania and the whole of Italy, and finally that the country itself was advanced to the Alps so that not only single individuals but lands and peoples might unite in our name. . . . Everything, conscript fathers, which is now believed most ancient was new: plebeian magistrates came after patrician, Latin after plebeian, those of the other peoples of Italy after the Latin. This too will grow old, and what today we defend by examples will be amongst the examples.³²

Like the claim in the *Lex Ovinia* that “the best men from every social order” should become senators, so also the assertion by Claudius in Tacitus’ *Annals* that it is a long-standing habit in Rome to “transplant to us from anywhere what is excellent” (*transferendo huc quod usquam egregium fuerit*) expresses an understanding of the senate as a group whose qualification for membership was not descent, but superior moral capacity. By praising the emperor for his decision to include the “best men from all the provinces” into the senate, Nazarius displays his adherence to long-standing ideas of the senate as a meritocracy, which united all the best citizens of the imperial state.

But the similarities that Nazarius’ account of Constantine’s reforms shares with earlier depictions of the senate must not be allowed to overshadow highly innovative features of his text. In Tacitus’ version of Claudius’ speech (as in the fragmentary original that survives on an inscription from Lyon), the emperor draws on Republican exempla to justify the expansion of the senatorial order: “what today we defend by examples will be amongst the examples”

31 Festus p. 290 s.v. *praeteriti senatores* with Hölkeskamp 1987, 144–145, and Cornell 1995, 369–370.

32 Tac. *Ann.* 11.24.1–2 and 7. The translation is a modified version of Woodman 2004, 207–208.

(*et quod hodie exemplis tuemur, inter exempla erit*).³³ By contrast, Nazarius presents the expansion of the senate as a decision that was motivated by the cosmological role played by the imperial monarch. Interestingly, the narrative of the senatorial reforms is preceded by a depiction of Constantine as a solar ruler. Like the rays of the sun, so Constantine's benefactions "shine forth unceasingly, returning upon the earth without interruption in unison with his benevolence" (*quae in orbem sine modo redeuntia contexta eius benignitate fulserunt*). The expansion of the senate is depicted as one of countless good deeds carried out by the sacred ruler of the world for the benefit of all the earth's inhabitants. The fact that Nazarius presents Constantine's reforms not as a political, but as a cosmological act, is important. It enables the orator to put forward a strikingly new image of the senate. Nazarius' panegyric is the first text in which the senate is portrayed not merely as the aristocracy of the city of Rome but as the elite of the entire world. Nazarius claims that Constantine's reforms transformed the senate into an aristocracy consisting of "the best men from all the provinces" (*ex omnibus provinciis optimates viros*) and "the flower of the entire world" (*ex totius orbis flore*). The planetary imagery is significant. In the same way the emperor has become a global ruler, who had been ordained by superhuman forces as guardian of the entire world, so the senate has become a global aristocracy, which unites the finest men from all regions of the inhabited earth.³⁴

Similar ideas are invoked by Claudian in the verse panegyric given on the consul Mallius Theodorus, an Italian small-town notable who in 399 was appointed to the highest office of the Roman state. The poem was performed in the presence of the emperor Honorius and his highest officials in the imperial palace in Milan. In the preface to the text, the poet celebrated the varied origins of the men assembled in his audience.³⁵ When Jupiter wished to know the size of his realm, he had to send out two eagles who traveled across the entire universe. By contrast, the emperor can simply gauge the size of his empire by looking at the high officeholders assembled in the imperial palace:

He does not need eagles to know the extent of his lands;
Through you he measures the size of the empire with greater accuracy:

33 On the speech and its relationship to the Lyon Tablet (CIL 13.1668 = ILS 212), see Syme 1999, 90–133; Isaac 2004, 418–420; Osgood 2011, 165–167.

34 Euseb. *Vit. Const.* 4.1 also depicts the expansion of the senate as an expression of Constantine's care for the entire world: he "was persistently providing repeated and continuous good works of every kind for all the inhabitants of every province alike." The close resemblance to Nazarius' rhetoric is noted in the commentary by Cameron/Hall 1999, 310.

35 On the context of the speech, see Cameron 1970, 125–127; Döpp 1980, 150–157.

Through this assembly I calculate the magnitude of the globe,
Here I see gathered what shines everywhere.³⁶

In Claudian's poem, the divine counterpart to the emperor's power is not the life-giving force of the sun but the power of the highest god Jupiter. In other ways, however, the picture of the imperial aristocracy presented by the poet from Alexandria precisely replicates that given by Nazarius in his account of Constantine's senatorial reforms. Again, cosmological imagery is deployed to describe the relationship between the divine ruler of the world and his aristocracy, and again the senate is pictured as a trans-regional elite, which assembles men from all regions of the inhabited earth: "Through this assembly I measure the magnitude of the globe, here I see gathered what shines everywhere" (*quidquid ubique micat*).

The same analogy between the rule of the supreme god in heavens and the government of the emperor on earth is drawn in the opening lines of Rutilius Namatianus' epic poem *De Reditu*, describing a journey from Rome to Gaul undertaken by the author in autumn 417.³⁷ When Rutilius bids farewell to Rome, he praises the openness of its aristocracy to foreigners:

The pious senate is open to foreign ability,
It does not consider those as strangers which should be its own.
They share the power of their class and of their peers
And they partake in the Genius whom they revere,
in the same way as from one pole of the earth to another
extends the assembly of the highest God.³⁸

At first sight, the praise of the senate as a group which was "open to foreign ability" (*patet peregrinae curia laudi*) is reminiscent of Republican conceptions of the senate as an aristocracy of virtue. Significantly however, as in Nazarius' and Claudian's texts, the origins of the trans-regional nature of the senate are situated not in an earthly but in a cosmic context. According to Rutilius, the senate is no less international as a group than the assembly of the gods on Olympus. And in the same way as the gods partake in the majesty of Jupiter, so senators partake in the veneration of the emperor—"the Genius whom they revere."³⁹ Like Nazarius and Claudian, Rutilius articulates a new vision of the

³⁶ *Panegyricus dictus Manlio Theodoro consuli*, Praefatio, quoted at 17–20.

³⁷ The date of the journey is conclusively proven by Cameron 1967. The author's religious orientation is incisively discussed by Cameron 2011, 207–218.

³⁸ 1.13–18.

³⁹ As Gavin Kelly points out (personal communication), the parallel to the proem to Claudian's panegyric on Theodorus, discussed earlier, suggests that the *genius* in question is that of the emperor,

senate as a planetary aristocracy, whose sociocultural shape can only properly be understood from a cosmic perspective.

The emergence of this new idea of the senate as a world aristocracy is suggestive of the shape of the ideas which motivated the late-antique expansion of the senatorial order. The abandonment by emperors of their traditional image of Republican monarchs made possible the development of a new conception of aristocratic authority. The senate was seen no longer as a Republican aristocracy of Rome, whose authority derived from the institutions of the Roman city-state, but as a global class, which encompassed the best men of the entire earth and whose social composition was decided by the divine ruler of the world. It was this new image of the senate as a post-Republican aristocracy which provided the justification for the reforms undertaken by Constantine and his successors.

THE VIRTUES OF THE NEW MAN

But not only emperors profited from the new ideological constellation. The new idea of the imperial élite as a global class also afforded advantages for senators. By redefining themselves as an explicitly monarchical elite, they were able to participate in the emperor's celestial charisma. On January 1, 379, in the imperial palace in Trier, the new consul Decimius Magnus Ausonius gave a *Gratiarum actio*—a speech of thanks—to the emperor Gratian. The speech was given before an empty throne. Less than five months earlier, the ruler of the eastern half of the Roman empire, Valens, had died in a battle against Gothic forces fought near the city Adrianople in Thrace (modern Edirne in Turkey). When Ausonius gave his speech to commemorate the inauguration of his consulate, Gratian was still on his way back from the eastern front.⁴⁰

If the absence of the emperor neatly encapsulates the emergence of a new mobile monarchy in the later Roman empire, the person of Ausonius appropriately symbolizes the changes in the composition of the imperial aristocracy

not the city of Rome, pace the commentaries by Doblhofer 1977, 25ff. and Wolff 2007, 49 n.10. On the idea of senators forming part of the emperor's body, see also *Cod. Theod.* 9.14.3pr. . . . *senatorum etiam, nam et ipsi pars corporis nostri sunt* . . .

40 The date of the *Gratiarum Actio* is debated. Peiper 1886, ciii, and Sivan 1997, 199, assume it was given on 1 January 379; Green 1991, 537–545, and Matthews believe Ausonius delivered it later in the year after Gratian had arrived in Trier. The text is contradictory: 7.34 *Treveri principis beneficio et mox cum ipso auctore beneficii* implies that the emperor was still away, while 18.80 suggests that he was present at the delivery of the speech. Most likely, the incongruity derives from the reworking of the oral version into a published text: as Coşkun 2002, 82–87, observes, different parts of the speech may have been delivered at different occasions.

brought about by the Constantinian reforms of the senate. Born into the municipal elite of Burdigala (Bordeaux), Ausonius spent the beginning of his career as professor of rhetoric in his hometown. But after his appointment by Valentinian I as teacher of his son and co-emperor Gratian, Ausonius experienced a swift rise to high office. Under the reign of Valentinian I, he was *quaestor sacri palatii*, responsible for the drafting of imperial constitutions; in the early years of Gratian, in 377 and 378 he served as praetorian prefect (senior fiscal, judicial, and administrative official) of Gaul, and from 378 to 379, his area of administration was extended to encompass Italy and Africa as well. When Ausonius gave his speech of thanks for his appointment as consul, he was the most powerful civilian official in the western half of the Roman empire.⁴¹

Ausonius used this occasion to justify the swift pace of his political career. Remarkably, most of the published version of the speech does not consist of praise of the achievements of the emperor Gratian who had appointed him. Rather, Ausonius squarely focused on a celebration of his own attainments. In important ways, the justification offered by the new consul for his rise to the top of imperial hierarchies of honor was entirely traditional. Ausonius took the persona of the virtuous “new man” (*homo novus*). A “new man” was the opposite of a *nobilis*: a senator who did not have any senior officeholders among his ancestors.⁴² The classic embodiment of the “new man” was Gaius Marius, son of a municipal family from Arpinum in Latium and victor against the Cimbri and Teutones in 105 BC. In the *Jugurthine War* of the late Republican historian Sallust, Marius is given a famous speech in which he contrasts his own masculine virtue with the effeminate decadence of *nobilis* families. In his *Gratiarum actio*, Ausonius quotes this classic work, and then gives a detailed account of his own *virtus*:

“I am unable to display ancestor-masks as proofs of character,” as Marius says in Sallust. I cannot unroll a pedigree to show my descent from heroes or that I am of the lineage of the gods, nor boast immeasurable wealth and estates dotted all over the kingdoms of the world. However, I can mention without bragging advantages which are less fanciful. I can mention my home-town, a city not unrenowned; my family, of which I need not be ashamed; my unblemished home, my lifestyle passed of my free will without a spot; my scanty means (though enriched with books and learning); my simple yet not stingy tastes; mind and soul of a

41 PLRE 1, Ausonius 7. On his career, see Matthews 1990, 69–87; Sivan 1993; Coşkun 2002.

42 The distinctive outlines of the cultural image of the *homo novus* are explored by Hellegouarc’h 1972, 472–483; Wiseman 1971; Dugan 2005.

free man; the unpretentious sophistication of my diet, my dress and the appointments of my house; so that, if anyone should think me worthy of comparison with those famous consuls of past days (excluding from the comparison those war-like qualities which then flourished), let him deny me their wealth without belittling my industry.⁴³

Ausonius asserts that although he does not descend from an ancient Roman officeholding family, his supreme ethical capacities qualify him for leadership positions in the Roman state. His education, lifestyle, diet, and modest wealth prove that he has the capacities for self-control that, according to ancient social theory, were the crucial prerequisites for rulership over others. As explained earlier, the idea of the senate as an aristocracy of virtue had long been conventional in the Roman world. By presenting himself as a new Marius, whose sole qualifications for membership in the imperial aristocracy were his self-control and masculine virtue, Ausonius displays his adherence to ideals of aristocratic power that reached back at least to the middle Republic.⁴⁴

By contrast, other aspects of the speech are strikingly new. Three features of Ausonius' self-presentation seem particularly noteworthy. First, the new consul rejects Republican ideals of collective decision making and openly endorses a monarchical political order:

I became consul without undergoing the ordeal of the hustings, the Campus Martius, the canvassing, the registration, the gratuities; I have not had to shake hands, nor have I been so confused by crowds of people pressing to greet me as to have been unable to call my friends by their proper names, or to have given them names which were not theirs: I have not had to visit the *tribus*, to flatter the *centuriae*, I have not trembled as the *classes* were called upon to vote. I have made no deposit with a trustee, nor given any pledge to a financial agent. The Roman people, the Field of Mars, the Equestrian Order, the Rostra, the hustings, the Senate and the Curia—Gratian alone was all of these for me.⁴⁵

Ausonius proudly proclaims that to secure his election he did not have to undertake hustings among a corrupt citizen population. According to him, the only appropriate judge of the attainments of the new consul is the emperor himself. The fact that he has been personally chosen as consul by Gratian guarantees that it was neither the well-targeted deployment of his patronage connections

43 Auson. *Grat. act.* 8.36–40, citing Sall. *Iug.* 85.29. The translation is a modified version of the Loeb version by White 1921, 239.

44 See the discussion in the preceding section with n. 31 above.

45 Auson. *Grat. act.* 3.13. The translation is adapted from White 1921, 227.

nor the mobilization of his financial resources, but solely his superior virtue that had been the reason for his election to the highest office of the Roman state. This theme of the superiority of autocratic modes of decision making over democratic deliberation by a citizen population is notably absent from the most famous early imperial model for a consular speech of thanks, Pliny's *Panegyricus*, but is frequently deployed in speeches by senior officeholders of the Late Roman state.⁴⁶ The evanescence of the political order of the Republic was no longer concealed, but celebrated—indicative of the gap that separates early imperial and late-antique ideas of a just political order.

A second feature of the *Gratiarum actio* that is distinctively late-antique is his self-fashioning as a reluctant officeholder. Ausonius insists that he obtained his consulate against his will:

Some are tormented because their ambitions remained unfulfilled: I did not desire it. Some are busy lobbying for an appointment: I did not seek it. There are also those who extract it through persistence: I applied no force. To others opportunity offered it: I was not present at court. There are also those whose wealth assisted them: this is prevented by the high morals of the times. I did not buy it, nor could I pride myself upon restraint: I had no money. I can only offer one thing, and this I cannot claim as my own: for only your assessment can say whether I merited it.⁴⁷

By denying any political ambition, Ausonius drives home the point that it was his solely ethical qualities as recognized by the emperor that had led to his appointment. The moral stature of the officeholder thus becomes an immediate reflection of the moral stature of the ruler. It was for this reason that this ideology was so attractive for a Gallic *homo novus* without ancestry. To doubt his own qualifications as officeholder (Ausonius implied) was to reasonably doubt the emperor's judgment. This trope frequently recurs in texts written by and for senior officeholders of the Later Roman state. It is present in two of the speeches of the philosopher Themistius, who in the 350s served as chair of the senate of Constantinople; in the *Gratiarum actio* of Mamertinus, who in 362 was consul of the emperor Julian; and in Claudian's poem on the consulate of Mallius Theodorus, a Milanese small-town notable who had risen

46 The closest parallel is to *Pan. lat.* 3(11).16, in which Mamertinus contrasts Julian's virtue with the corrupt citizen population of the Republic. The same theme is also explored by Symmachus in *Or.* 1.9, discussed in the final section of this paper, and in *Or.* 4.7 in which the orator asserts that the election of his father by the emperor Gratian on the recommendation of the senate is superior to Republican traditions of democratic decision making.

47 Auson. *Grat. act.* 10.4 with White 1921, 245.

to the highest honor of the empire.⁴⁸ In all these texts, senior officeholders of the Roman state deny any political ambition so as to highlight the unbreakable bonds that connected them to the divine rulers who had freely chosen to elevate them to high office.

A third feature of the *Gratiarum actio* that merits comment is Ausonius' interest in the materiality of words and objects emanating from the emperor. The new consul long dwells on the meaning of the consular robe that Gratian has sent him. Embroidered with an image of the emperor Constantius II, the dress contains the divine luminosity of two emperors: "the light which flashes from this single garment comes from two emperors: Constantius is embroidered in the actual fabric of the robe, but in the honor of the gift I feel the presence of Gratian." The consular dress enables Ausonius to capture some of the divine light emanated by the sacred ruler of the world. Not only objects but also texts emanating from the divine presence of emperor are sacred. Ausonius claims that Gratian's letter merits the same careful attention as the words uttered by a divinity: "And now, most pious Emperor, that I may not insult the majesty of the sacred audience hall by shrinking from interpreting your utterances, with the forgiveness of your divine power, though not without committing some slight sacrilege, I offer an interpretation of your words." Ausonius continues by offering an elaborate word-for-word exegesis of the meaning of the imperial letter in which Gratian announced his appointment to high office. He concludes by announcing his intention to publish this letter in notice-boards around the empire: "If I have this letter of yours posted up like an edict on every pillar and in every portico where it could easily be read, shall I not have as many statues in my honor as there are public notice-boards?" The new consul claims that Gratian's praise is as valuable to him as that ultimate symbol of achievement, an honorific statue inscribed on its base with a list of the deeds, virtues, and political career of a Roman senator.⁴⁹

Ausonius' interest in the words of the emperor exemplifies a wider shift in patterns of self-presentation among the senatorial aristocracy. In the early empire, senators treated a letter from the emperor as a communication from a social equal; as a result, they were never included in senatorial literary works to bolster the prestige of the author. By contrast, in the wake of the Constantinian reforms, several high-ranking officeholders employed imperial communications as a mode of self-display. For example, editions of the works of the late Constantinian senator Publilius Optatianus Porfyrius (who was appointed

48 See Them. Or. 17 and 34; Pan. lat. 3(11).16.4.-17.1 and 21.4-5; Claud. Pan. Manl. Theod., especially 1-16 and 113-172.

49 Auson. Grat. act. 10.45-50 with White 1921, 247.

urban prefect of Rome by Constantine in 329 and 333) are accompanied by a letter of praise from the emperor.⁵⁰ Similarly, the rhetorical works of Themistius are opened by a Greek translation of the Latin *oratio* (an imperial communication to the senate) by which the emperor Constantius II admitted the author to the senate, and in several of his own speeches the prefect mentions the honorific statues and words of praise that he received from different rulers.⁵¹ Significantly too, several medieval editions of Ausonius' works are headed by a letter in which the emperor Theodosius I praises his literary achievements.⁵² Even for the highest-ranking officials of the empire, imperial letters had become precious reminders of the emperor's divine presence, which deserved the same careful attention as sacred texts. Like the open rejection of Republican modes of decision making and the recurrent denials of political ambition, so also the careful attention given by late-antique officeholders to communications from the emperor are indicative of the transformation of the Roman senate from an ostensibly Republican elite into a proudly monarchical aristocracy.

ALL THE EMPEROR'S MEN

It is easy to understand why a *homo novus* such as Ausonius chose to stress the esteem he enjoyed at court. By asserting that Gratian had personally selected him as the highest officeholder in the empire, and by displaying as proofs of this assertion the letter and consular robe he had received from the emperor, Ausonius prevented potential rivals from articulating public doubts about his suitability as consul. Interestingly, however, the view of the senate as a monarchical aristocracy was professed not only by new members of the governing elite of the Roman empire. It was also adopted by the most distinguished stratum of senatorial families, the *nobiles*. To understand why these men did not exhibit greater resistance to the new forms of monarchical ideology developed at late-antique courts, it is necessary to look more closely at the distinctive sociocultural shape of the Roman *nobilitas*. In Roman culture, *nobilitas* was obtained not by blood inheritance but by the performance of civic virtue. This virtue could only be attained by the tenure of the highest dignities of the imperial

50 The *epistula Constantini* is included in Polara 1973, vol. 1, 4–6.

51 Constantius' *oratio* (the Latin technical term for this is translated in 23c as *demegoria*) is found in pages 18c–23d of Dindorf's edition and is excellently translated and interpreted by Heather/Moncur 2001, 97–113. Material symbols of the favor enjoyed by Themistius at the imperial court are discussed in Them. *Or.* 31.354 and *Or.* 34.13.

52 *Epistula Theodosii Augusti*. The piece may well have been the original opening of the collection; see Sivan 1992, 85–87. It is omitted in Green's edition, but is conveniently available in the Loeb edition of White 1921, 6–9.

state: the consulate and (in Late Antiquity) the urban and praetorian prefectures. If the male heir of a *nobilis* failed to secure an appointment as consul or prefect, the *nobilitas* of his family would fade from view and cease to be recognized.⁵³ The fact that a *nobilis* could only preserve his rank if he secured appointments to senior government posts from the emperors had far-reaching consequences. Unlike European nobles of the eighteenth and nineteenth centuries, who automatically inherited their rank and titles from their fathers, a Roman *nobilis* could hope to preserve his status only if he carefully cultivated the favor of the monarch and his closest advisers. Since they faced the pressing obligation to replicate the political success of their ancestors, scions of the Roman *nobilitas* were much more dependent on the emperors than the more familiar nobilities of later European history.⁵⁴

In February 368, in the audience hall of the imperial palace in Trier (the same place where Ausonius ten years later would declaim his *Gratiarum actio*), the Roman *nobilis* Quintus Aurelius Symmachus gave a speech of praise on the emperor Valentinian. Symmachus then was around the age of thirty.⁵⁵ Several of Symmachus' grandfathers or grand-uncles had served as praetorian prefects, urban prefects, and consuls, and three years before his journey to Trier, his father Avianus had been appointed by the emperor Valentinian as urban prefect of Rome.⁵⁶ Like any other *nobilis*, Symmachus was well aware of his duty to equal or to surpass the officeholding achievements of his ancestors.⁵⁷ This was no doubt the reason why he had traveled to Trier. As Cristiana Sogno observed, Symmachus came to the imperial court to establish a network of contacts that would help him lay the foundations of a political career. The delivery of a panegyric on the emperor was a precious opportunity to obtain the favor of the emperor and his entourage.⁵⁸ From this perspective, it is not surprising that Symmachus in his speech on Valentinian does not reassert traditional ideals of the emperor as a Republican ruler but closely follows the tropes of contemporary rulership ideology. The young

53 Hölkeskamp 1987; Flower 1996; Badel 2005; Brown 2012, 93–109 outstandingly map the distinctive sociocultural shape of the Roman *nobilitas*. The Christian transformation of Roman ideals of *nobilitas* is traced in an important paper by Salzman 2001.

54 Hopkins/Burton 1985 examines the differences between the officeholding aristocracy of the Roman Empire and the hereditary elites of early-modern Europe.

55 PLRE 1, Symmachus 4 and Sogno 2006.

56 The earlier history of the family is brilliantly elucidated by Cameron 1999a. The life of Symmachus' father is surveyed in PLRE 1, Symmachus 3.

57 Significantly, Symmachus chose to open his published correspondence with a letter in which he contemplates the painted portraits of the Acindyni, a *nobilis* family from the early fourth century. He concludes the letter by communicating to his father his own determination to engage in a political career: "The debilitating enjoyments of Baiae do not seek you, public offices should keep the young man busy" (*Ep.* 1.1.5.13–14).

58 Sogno 2006, 1–12, excellently explores the political context of the speech.

senator makes unambiguously clear that a wide distance separates Valentinian from his early imperial predecessors: “I feel the breeze of divine light, when the dawn begins to shine and the shining light of the cosmos comes into view. Respond to our prayers and emerge, like the new star, which the ocean lifts up to the duties of the new day, as it is still covered with waves.”⁵⁹ In an overt rejection of the ideals of Republican monarchy that had shaped the public image of emperors in the early empire, Valentinian’s rise to high power is depicted as a cosmic event.

Also in other ways, the view of a just political order articulated by Symmachus in his speech closely follows that of other late-antique panegyrists. Unlike Republican magistrates, who had been voted into office by popular assemblies, Valentinian had been proclaimed emperor by an imperial army. In his panegyric, Symmachus argues that this new form of election was much better suited to ensuring that the best men would be elevated to the leadership of the Roman state:⁶⁰

And the day of the decision had arrived. The entire army was present. They were chosen from the toughest members of the Roman youth. Here at last was a popular assembly worthy to choose the leader of this great empire! Free men decided whose subjects they would become. Antiquity, keep to yourself your *centuriae* (frequently bought), and voting *classes* (exposed to corruption), and the *tribus* (very often venal): a leisure class cannot decide on state business. A man, who has proven his merit in warfare, was elected by the military senate.

For Symmachus, the traditional voting assemblies of the Roman Republic—*centuriae*, *classes*, and *tribus*—had been the playing grounds of a venal “leisure class” (*otiosi*), unqualified to deal with serious “state business” (*negotia*). In a world in which neither senate nor Roman populace had any military experience, the soldiers of the imperial army were the only group in which uncontaminated *virtus* could still be found. Like Ausonius, Symmachus sees the later Roman empire as an explicitly post-Republican political order—a divine monarchy in which the ruler of the Roman world is no longer decided by the senate and the people of Rome, but by larger cosmic forces (and the “military senate,” the soldiers serving in the imperial army).

Also on other occasions, the forms of rhetoric employed by Symmachus closely resembled those deployed by new senators. When in 384 he was appointed urban prefect of Rome, he sent out two letters in which he thanked

59 Symm. Or. 1.7 with MacCormack 1981, 198–199.

60 Symm. Or. 1.9.

the emperors Valentinian II in Milan and Theodosius I and Arcadius in Constantinople for his promotion. Like Ausonius in his speech of thanks for his consulate, Symmachus in these texts also insisted that his success was the result not of his own ambitions, but solely the product of the sovereign choice of the emperor. As he put in the letter to Valentinian:

I was free from ambition and I had long ceased to desire public office, when you out of your own will conferred the prefecture upon me, although many aspired to it. I am thankful for the goodwill shown to me by so many good emperors. However, I realize that much greater pressure is placed upon the holder of an office which is conferred out of choice than one granted as an act of patronage. For someone given an office by the emperors on the grounds of merit is under pressure to fulfill the hope invested in him, whereas someone who has attained it through lobbying is not bound, my lord emperors, by any dangerous expectation. Who then made me equal to this honor? Your clemency, of course. It is only in your interest that it will not seem as if I had been chosen at random. For my conscience it is enough that I have not aspired to public office. For what kind of officeholder I will prove to be is in the hands of your reign: for the favor of the emperor makes good magistrates, and the virtues of officeholders flow from your character.⁶¹

Such proclaimed reluctance to hold high office is usually taken by modern scholars as expression of a truly felt unwillingness to engage in politics. To quote Matthews' classic account of the Late Roman aristocracy: leading senatorial families looked at the public offices of the Roman state "as an encumbrance, accepted with reluctance and laid down with relief."⁶² But seeing the denials of ambition articulated by urban prefects and other highly successful office-holders as signs of a disengagement from imperial institutions does not properly bring into focus the function of this rhetorical trope. By insisting on his freedom from ambition, Symmachus highlighted not his independence from the emperors, but on the contrary the depth of his links to them. Throughout the text, Symmachus repeatedly insists on his identity as an imperial appointee: he begins by asserting that "of your own accord you conferred the prefecture upon me, although many aspired to it"; continues by maintaining that his success is expressive of "the goodwill shown to me by so many emperors" and suggests that it was only the divine clemency of the emperors

⁶¹ *Symm. Rel.* 1.1–2.

⁶² Matthews 1990, 9–12, quoted at 9. The theme is further explored by Roda 1985; Cracco Ruggini 1986.

that made him “equal to this honor.” He concludes by claiming that his virtue is only an emanation of the virtue of the ruler: “the favor of the emperor makes good magistrates, and the virtues of officeholders flow from your character.” Like the imperial speeches given by new members of the senate such as Ausonius, so also Symmachus’ communication to Valentinian II is carefully calibrated to highlight his identity as member of a monarchical ruling class whose composition was exclusively decided by the emperor. He was truly (as the official title of the urban prefect went) *vice sacra iudicans*, the embodiment of the emperor’s sacred justice.

Also in their interest in the materiality of the emperor’s words, the modes of self-presentation employed by Symmachus closely resembled those employed by new senators. In autumn 384, not long after his appointment as urban prefect, Symmachus learned of the death of his close friend Vettius Agorius Praetextatus. The deceased had been not only a famous adherent of the traditional cults but also one of the most important officials in the government of Valentinian II: at the time of his death, he was praetorian prefect of Italy and consul designate for the following year.⁶³ Praetextatus was given a state funeral, followed by several days of public mourning. But not all were grief-stricken about the unexpected death. Shortly after the funeral, the bishop of Rome, Damasus, published a vicious attack on the deceased.⁶⁴ In this hexameter poem, known as the *Carmen contra paganos*, the bishop of Rome ridiculed Praetextatus for dying before having reached the culmination of his public career. Although the paragon of Roman paganism had deployed a variety of magical practices to become consul (Damasus writes), his premature death meant that he would never be commemorated on public inscriptions as highest officeholder of the Roman state.⁶⁵ In a contemporary letter, the Christian ascetic Jerome expanded on the same theme of thwarted ambition: instead of donning the triumphal toga of the consul, Praetextatus would now smother in hell.⁶⁶

As a long-standing member of the imperial aristocracy, Symmachus knew the most effective response to such attacks. He harnessed the authority of the emperors to defend the memory of his deceased friend. In December 384 or January 385, Symmachus sent a communication to the imperial court in which he demanded the erection of statues for the deceased. In this text,

63 PLRE 1, Praetextatus 1.

64 My retelling of this episode follows the brilliant reinterpretation of the *Carmen contra paganos* offered by Cameron 2011, 273–319.

65 *Carmen contra paganos*, 112–114, with Cameron 2011, 296–298.

66 *Ep.* 23.2–3.

Symmachus challenged Damasus' and Jerome's depiction of Praetextatus as a hyper-ambitious careerist. In reality, Praetextatus had (of course) been an unwilling officeholder: "public office always followed him against his will."⁶⁷ The urban prefect then turns to the most important purpose of his letter:

I would want to, I should, say more about him, but all this is reserved to the testimony of your clemency, for more brilliant is praise which comes from a heavenly judgment. As patrons of excellence, allow future generations to see the qualities of your reign. For indeed, this is Praetextatus, whom with good reason you made consul, so that the memory of the *fasti* would preserve his renowned name! Through other inscriptions restore what he lost through his death. His reward may have gone with the man, but the judgment [which gave rise to this reward] should survive him.⁶⁸

The "praise which comes from heavenly judgment" (*laus . . . de caelesti profecta iudicio*) is the command for the erection of statues which (or so Symmachus confidently assumes) the emperors will issue once they have received his request. The urban prefect claims that their words of praise will bring the deceased as much glory as the consulate whose tenure was prevented by his premature death. Their "heavenly judgment" (Symmachus hoped) would finally silence Praetextatus' critics.

Symmachus' request for the erection of an honorific monument for Praetextatus was successful. In the Forum Romanum, a small piece of the base of the statue has been discovered. Unfortunately, the fragmentary nature of the text makes it impossible to know for sure if the emperor's permission for the erection of Praetextatus' statue was also displayed on the monument.⁶⁹ But other such honorific monuments survive. From the late Constantinian period until the fifth century, at least five prominent members of leading senatorial families (all of them former urban prefects or consuls, and all of them from *nobilis* families) displayed copies of imperial letters on the bases of statues put up for them in the most prominent public spaces in late-antique Rome.⁷⁰ Not only for *homines novi* such as Ausonius, but also for the top stratum of the Roman *nobilitas*, there was no more impressive symbol of status than the words of praise issued by a ruling emperor. The struggle around Praetextatus' memory is suggestive

67 Symm. Rel. 12.3: *quem semper invitum secutus est honor*.

68 Symm. Rel. 12.4.

69 CIL 6.1779a, with the commentary by Mitthof on p. 4759 = CIL 6.31929 [*Vettio Agorio Praet] extato/[v(iro) c(larissimo) correctori Tusciae et U]mbriae/[consulari Lusitaniae proc]onsuli Achaiae/[prae]f(ecto) urb(i) prae]f(ecto) praet(orio) Il[lyr[i]ci et Italia[e] . . .*

70 Weisweiler 2012a, 336–348 and 2012b.

of some of the factors that made this new form of self-representation so attractive. In the competitive and unstable political world in which Late Roman senators lived, invoking the will of the emperor was the only way in which the honor of an officeholder could safely be defended from attacks by his enemies.

From this perspective, it would be a mistake to dismiss the openly monarchical modes of self-presentation adopted by different strata of the Late Roman aristocracy as empty flattery. Of course, Ausonius and Symmachus did not for a moment believe that the emperor in reality was the embodiment of divine justice and independent decisionmaker, as they depicted him in their speeches. These highly sophisticated political operators were acutely aware that monarchs often made blatant mistakes in the selection of high officials and usually relied on networks of patronage in filling the most important posts in their administration (or on the open sale of office to the highest bidder).⁷¹ Still, the fact that all members of the imperial aristocracy *pretended to believe* that the emperor was the only qualified judge of aristocratic virtue had far-reaching consequences. It kept senators involved in a permanent struggle for closeness to the emperor and provided him with continuous opportunities to reshuffle the hierarchy of honor between them, as best suited his interests. In this sense, the obsessive attention given by members of the Late Roman senate (*homines novi* and *nobiles* alike) to the tokens of favor distributed by the emperor is indicative of a real shift in the balance of power between monarch and senate. The late-antique transformations in the imperial image not only had enabled emperors to radically reshape the social composition of the imperial aristocracy. It also provided them with new opportunities to involve senators in rivalry against each other. Like the fiscal and administrative reforms through which late-antique emperors enhanced their control over the resources of empire, so also the development of an explicitly monarchical political culture made a crucial contribution to domesticating the power of the largest landowners in the Roman empire.

71 Salzman 2002, 190–199 looks at the role played by aristocratic networks of patronage in the selection of high officials. The purpose and meaning of the sale of offices in the Later Roman state is brilliantly elucidated by Kelly 2004.

The Inflation of Rank and Privilege

Regulating Precedence in the Fourth Century AD

JOHN NOËL DILLON

THE TITLE OF THIS CHAPTER MAKES REFERENCE TO A COMMON, disparaging description of the proliferation of honorary titles and corresponding ranks and privileges in the later Roman empire.¹ Rank inflation as a late-antique phenomenon gives occasion for reflection on the dynamics of officeholding and imperial honors, which were set in motion by Constantine and remained vigorous throughout the fourth century. The concept of “rank inflation” is not as simple, however, as one might first assume. In this chapter, I examine it from three perspectives. In the first section, I consider the nature of the inflation customarily attributed to the titles and honors of the fourth century AD and afterward. This seems advisable because there are different kinds of inflation, and if inflation is used as a metaphor to describe the elaboration of ranks and titles, it is important to establish what that metaphor means. The beginnings of the process usually described as the inflation of ranks and titles under Emperor Constantine occupy the second section. Obviously, if the value of the ranks and titles conferred by the emperor underwent “inflation,” this will have defeated the emperor’s purpose. Understanding why or how the metaphor of economic or monetary inflation is or is not an accurate analogy helps us assess more fairly what Constantine and his successors intended and did. In the third, final section, I explore how titles and rank were contested and “inflated” at the behest of rank holders themselves. I hope that this chapter will help illuminate the forces behind the elaboration of honorary titles and ranks over the fourth century AD, as Roman emperors from Constantine onward found themselves prompted to bestow new honorary ranks and associated privileges.

1 Jones 1964, vol. 2, 528, 1056; Arnheim 1972, 94, 98; PLRE 3A, vii; Cameron 1993, 103–105; Carrié 2005, 305; Mitchell 2007, 183–184; Heather 2008, 102–104 (discussing Jones).

REFLECTIONS ON RANK INFLATION IN THE LATER
ROMAN EMPIRE

The term “inflation” evokes several things: a rise in the supply of money, a decline of its value or purchasing power, and a compensatory rise in prices. The concept of inflation seems *prima facie* appropriate to the honorary titles and ranks of Late Antiquity. A Roman senator who held the rank of *vir clarissimus* at the end of the reign of Diocletian will probably have resented the conferral of senatorial rank by Constantine on previously equestrian officials. The addition of new members to the senate diminished the exclusivity of the “clarissimate” and, in consequence, the prestige held by existing members. According to this understanding of inflation, the emperor mints new senators, so to speak, by fiat: as the supply of *viri clarissimi* rises, their value decreases. The equestrian officials who were elevated to the clarissimate were men whose careers, however distinguished, had traditionally advanced them to a rank below that of a senator. Now they too were *viri clarissimi*, and the “value” of the rank held by the original *clarissimi* depreciates. Ancient historians who speak of rank inflation in this sense thus share the sentiments of conservative Roman senators.

The concept of inflation that lies behind this metaphorical usage is, however, fairly recent. It presupposes an economy based on a fiduciary currency and a monetary system such as that current in the United States and elsewhere today, in which value is closely related to money supply. In such monetary systems, inflation may occur when the stock of money in circulation is increased by a central authority. The greater the amount of money in circulation, the less it can buy, as prices rise in response. A fiduciary or fiat currency has no intrinsic value and no direct relationship to conventionally recognized² stores of wealth, such as precious materials and especially metals (e.g., gold or silver) into which it might be converted. If one thinks of rank in terms of this monetary model, the ranks and titles of Late Antiquity correspond to units of currency: they have no intrinsic value but have a fiduciary value set by the emperor.³ This value will have been the prestige carried by each one. If there is a limited and fixed “supply” of such ranks, they maintain a high value. As a given rank is

2 The notionally “intrinsic” value of precious metals is itself ultimately a social construction, but since Western civilization has recognized such a value in precious metals from antiquity to today, this theoretical truth does not diminish the usefulness of the analogy made here.

3 On the inflation of Roman coinage in the late third and fourth century, see briefly Von Reden 1998; discussion and extensive bibliography in Weber 2003. Zschaler 2003 is an interesting essay on modern inflation since the German crisis of the 1920s. Mickwitz 1935 wrote on Roman inflation immediately afterward and remains worth reading. The papers by Weber and Zschaler both derive from an exhibition in Eichstätt on Roman and modern inflation; catalogue published by Hahlbohm et al. 2000.

bestowed by the emperor in greater numbers, though, its value or its prestige and desirability decrease, and the emperor, who plays the part of the issuing mint, must have recourse to ever grander ranks and titles, like larger denominations, to compensate.⁴ This seems to be the conception behind descriptions of rank inflation such as this: “The inflation of equestrian titles inevitably led to the devaluing of the lower grades of the *ordo* (*eques*, then *egregius* and *sexagenarian*). Consequently, what the *principales* of the provincial cities sought to attain was the status of *perfectissimi*,”⁵ as if the “value” of the equestrian titles declined overnight. This model of inflation, or rather hyperinflation, owes much to the experience of the twentieth and twenty-first centuries, from Germany after World War I to Zimbabwe in 2007–2008.⁶ One imagines a rapid depreciation of the value of late-antique ranks—although in point of fact it took nearly a century for the lower equestrian ranks to vanish and the three-tiered senatorial ranks *clarissimus–spectabilis–illustris* to emerge.

The metaphor of inflation works rather differently if one thinks of a representative or commodity currency, that is, a currency that has a fixed relationship to an object of intrinsic value, such as gold or silver, or a currency that consists of such a material, such as gold and silver coinage. The late-antique *solidus*, introduced by Constantine, was one such denomination: it was tariffed at 1/72 of a Roman pound of gold.⁷ The value of a denomination like the *solidus* will remain relatively stable so long as the commodity to which it is fixed undergoes no radical fluctuations of supply. Such a currency retains value even when more of it enters circulation and higher denominations appear: some inflation will occur and prices rise as more coins become available, but the coins themselves remain fairly stable stores of wealth. If, for example, more gold coins enter circulation, they each may not buy quite as much as before, but they still can buy far more than a copper penny.

The inflation of a commodity currency is, in fact, a more appropriate metaphor for understanding rank inflation in Late Antiquity. The honorary ranks of Late Antiquity were not mere titles with a purely notional or arbitrary value in social prestige. Such a social value existed and could be manipulated to an extent by the Roman emperor, but late-antique titles and ranks also brought real advantages that did not simply disappear if a given rank was conferred on further persons or if new, higher ranks were created. That is not to claim that

4 Cf. Zschaler’s remarks on the 500,000 Mark bill produced in 1923 (*supra* n. 44).

5 Carrié 2005, 281 (in the authoritative *Cambridge Ancient History*), following Lepelley 1986.

6 See the figures collected by Hanke/Kwok 2009, 355–356. The record-holder is Hungary 1946, with a peak monthly inflation rate of 79,600,000,000% (!), with prices doubling in just over twenty-four hours.

7 In general, see Depeyrot 2006, 237–240.

even this form of inflation provides a model for the process by which new ranks were created; its use is as a metaphor, nothing more. The analogy of even a commodity currency of rank and titles breaks down on scrutiny, because unlike gold and silver, the commodities to which ranks are tied are intangible and are not subject to limitations of supply. By conferring titles and rank, a Roman emperor, like a golden goose, creates a kind of currency, the distribution of which he controls. A mint cannot wish gold into existence, but an emperor could confer ranks on an almost unlimited number of people. Constantine was criticized even by Eusebius for excessive generosity.⁸

We shall return to consider whether anyone “pays” for this seemingly unlimited supply of privilege. For the present, however, when we think of the inflation of ranks and titles in Late Antiquity, it is the slower model of the inflation of a commodity currency that we should cite first in analogy, not modern hyperinflation caused by the excessive issuing of fiat currency. The analogy of a commodity currency also has the advantage of shifting attention away from the central authority that produces it. If rank inflation is compared to modern hyperinflation, the interpreter looks naturally to the person of the emperor, who plays the desperate part of the issuing mint. We imagine him improbably seeking to win favor by issuing rapidly depreciating tokens of honor. The truth is more complex. The analogy of the gradual inflation of a stable commodity currency allows for causes more complex than imperial caprice, although the limits of this analogy for conceiving the conferral of rank too will soon become apparent.

THE SENATE AND COURT UNDER CONSTANTINE

What were the ranks with which Constantine and the emperors of the fourth century rewarded service in the imperial administration? At the beginning of our period, there were two kinds, constituting two separate orders. One, the equestrian, had been defined financially; I say “had been” because the financial basis of its grades had eroded in the *real* inflation of the third century. Equestrians enjoyed the standing of privileged *honestiores* by virtue of office. The other order, the senatorial, was above all a privilege of birth; one’s rank in both orders could be enhanced by officeholding and imperial favor.

The administration of the Roman empire that Constantine inherited thus consisted of two hierarchies that converged in his own person. The senatorial

8 Contrast Euseb. *Vit. Const.* 4.1 with 4.31 and 4.54; cf. the pagan tradition: Iul. *Or.* 1.6.8b, *Caes.* 335b, *Or.* 7.22, 228a; Anon. *De mach. bell.* 2.1; Amm. Marc. 16.8.12; *Epit. de Caes.* 41.16; Zos. *Nea hist.* 2.38.1.

order of *virī clarissimi* persisted in Rome and stood above the rest of Roman society. Precedence within the Roman senate was regular and defined by office: ordinary consuls enjoyed the greatest prestige, followed by men of consular, praetorian, quaestorian, and tribunician rank (often children). Senatorial proconsuls still governed Africa and Asia; the urban prefect, appointed by the emperor from the ranks of former consuls, presided over Rome and the senate, while senatorial governors called *correctores* often administered the small provinces into which Italy had been divided.⁹

The equestrian order meanwhile had obtained most important administrative and financial positions throughout the empire, yet it remained inferior to the senatorial order and precarious, insofar as it was not a hereditary status. By the time of Diocletian, equestrians in the imperial service were ranked in four regular grades: *egregius*, *centenarius*, *ducentarius*, and *perfectissimus*. Most provincial governors held the rank of *perfectissimus*; praetorian prefects enjoyed the special rank of *eminentissimus*. Although far more important than their senatorial colleagues in the provincial administration, even equestrian *eminentissimi* ranked below senatorial *clarissimi*, and unlike their senatorial colleagues, these equestrian administrators could not pass their status and privileges on to their children. Under Diocletian, this discrepancy was partly corrected by the frequent appointment of the (equestrian) praetorian prefects to the ordinary consulship. They thereby became *clarissimi* and entered the senate with great prestige.¹⁰ Otherwise the careers of senators and equestrians maintained a separate existence.¹¹

This neat separation of senatorial and equestrian careers perished with one of Constantine's most puzzling innovations: the appointment of senators once again to administrative posts throughout the empire. Early in his reign, Constantine appointed senators to a broad range of administrative positions that previously had been restricted to equestrians. Such posts, to which now men born into the senatorial order were appointed, included praetorian prefect, vicar, and even *praeses*.¹² These changes to the ranks of provincial governors probably began not long after Constantine seized Rome (obviously, Constantine needed Roman senators to appoint) and may well have accompanied the

9 Summary in Matthews 1975, 12–17; further references *infra*, n. 12.

10 On this anomaly, see Arnheim 1972, 47–48.

11 For an overview of innovations in ranks, see the narrative by Jones 1964, vol. 1, 104–107 (Constantine), 132–136 (Constantius II), and 142–144 (Valentinian); further discussion in vol. 2, 523–562. Fundamental studies on the single grades are Hirschfeld 1901/1913; Berger 1914; Enßlin 1929; Arnheim 1972; Weiß 1975. Kuhoff 1983 examines in exhaustive detail every office that was distinguished by the ranks *clarissimus* and *spectabilis*, but gives a minimum of interpretation.

12 Praetorian prefects, *praesides*, and *consulares*: Arnheim 1972, 49–63; vicars: 63–73.

administrative reforms that saw the creation of dioceses and transformation of vicars into regional officials over several provincial governors.¹³ Several noblemen had certainly been appointed to formerly equestrian posts before the conquest of the East. Petronius Probianus, for example, who was almost certainly born into the senatorial order, served as proconsul of Africa 315–316, then probably as praetorian prefect in 321.¹⁴ He held the ordinary consulship of 322 and finally the office of urban prefect in 329–331. Another likely nobleman, Lucius Verinus, served as vicar of Africa 318–321. Both these men, then, presumably held positions that had previously been reserved to equestrians.¹⁵

The consequences of the merging of the senatorial and equestrian careers are reflected in the titles and ranks of Constantine's senior administrators. Like an outpaced denomination, the rank *vir eminentissimus*, formerly held by equestrian praetorian prefects, soon falls out of use.¹⁶ Their rank is "inflated" to *clarissimus*. The latest men known to hold the title *eminentissimus* are Julius Julianus, praetorian prefect from 315–324—but of Licinius, not Constantine¹⁷—and unnamed *viri eminentissimi* in *Cod. Theod.* 7.20.2. Neither Julianus nor these unnamed men are good evidence of *viri eminentissimi* under Constantine. The latter text is an excerpt from the record of a meeting between Constantine and discontented veterans. The *viri eminentissimi* mentioned in this text hardly withstand scrutiny. If one overlooks the notorious difficulty of its date,¹⁸ the relevant words—*cum* [sc. *Constantinus*] . . . *salutatus esset a praefectis et tribunis et viris eminentissimis*—are not very enlightening. In fact, they are probably corrupt. The prefects and *viri eminentissimi* obviously are not the same persons. These *praefecti* cannot be *eminentissimi* praetorian prefects. The order in which the men are named (hence the term *ordo salutationis*), however, implies that the *praefecti et tribuni* should rank above the *viri eminentissimi*. The *praefecti*, however, are most likely army officers, as

13 On these reforms, see Zuckerman 2002.

14 He is addressed by Constantine as *Petronio Probiano suo* in *Cod. Theod.* 9.42.1, and an office lower than the praetorian prefecture seems unlikely. His ordinary consulship in the following year is reminiscent of the Tetrarchic practice of appointing the praetorian prefects ordinary consuls.

15 Discussed by Arnheim 1972, 64–65 (Verinus) and 68 (Probianus); cf. PLRE 1, Verinus 1 & 2, Probianus 3.

16 The statement by Potter 2004, 387, that the praetorian prefects retained the title *eminentissimus* seems to be founded on a misreading of Hirschfeld 1901/1913, 588–589 = 656–657. The title *eminentissimus* comes back into fashion late in the fifth century (ibid. 588–589 = 657), long after its equestrian usage has been forgotten. It appears quite naturally alongside such superlative titles as *excellentissimus*, *sublimissimus*, *gloriosissimus* in *Cod. Iust. const. Haec* (Justinian, AD 528). See also Chastagnol 1976, 56.

17 PLRE 1, Iulianus 35; cf. Lepelley 1986, 236.

18 See Matthews 2000, 37 (320?); Barnes 1982, 69 (307?); most recently, Connolly 2010b (also for 320).

the *tribuni* certainly are. *Viri eminentissimi* are out of place *after* such men. Perhaps *virī eminentissimi* (v.e.) is an erroneous expansion of some other word, for example *vet(eranis)*, to whose acclamations Constantine responds in the text. At the very least, *Cod. Theod.* 7.20.2 gives no clear evidence of the equestrian title *eminentissimus* under the reign of Constantine.

Not only *eminentissimus* but also the equestrian rank of *perfectissimus* becomes rare among provincial governors, as men of senatorial rank begin to serve even as ordinary *praesides*.¹⁹ The rank and status *clarissimus* was soon attached to a great number of imperial officials.²⁰ Many equestrian governors were transformed into *consulares*, an office that conferred senatorial rank on the officeholder if he did not already possess it. Soon vicars, too, regularly received senatorial rank. In the event, rather than have men of senatorial rank govern as *praesides*, an office strongly associated with equestrians, Constantine ensured that the office of *consularis* accommodated both traditional senators (and born senators predominate among the incumbents) and newcomers.²¹ Precedence within the senate was nonetheless respected; *consulares*, who might be junior aristocrats or freshly minted senators of equestrian origin, remained inferior to the traditional, senatorial proconsuls of Asia and Africa, to which Achaëa soon was added as a third.²²

As equestrian provincial governors were promoted to senatorial consulars, their rank (*perfectissimus*) was bestowed more widely on other, lower officials; as this equestrian rank became the one most often given, the lowest grade (*vir egregius*) soon disappeared. The rank *egregius* is last attested in 324.²³ Was it the victim of inflation, or “driven out of circulation” like bad coin? The answer is yes and no: it was not so much the victim of figurative rank inflation as of real monetary inflation. The rank *egregius* occupied the lowest place of four equestrian grades that had been distinguished by salary (60,000, 100,000, 200,000, 300,000 HS = *egregius* [*sexagenarius*], *centenarius*, *ducenarius*, *perfectissimus* [*tricenarius*]). These salaries had become utterly meaningless after the (real) inflationary crisis of the third century. The grades themselves might be a useful means of distinguishing between low-ranking officials (and probably for this reason persisted longest in the imperial bureaucracy), but since the privileges were the same, it *cost* the emperors nothing more to confer the highest equestrian rank on most equestrian officials. If Constantine had resolved to

19 Fasti in Arnheim 1972, 204–206.

20 Hirschfeld 1901/1913, 589–593 (= 657–662), esp. 592–593 (= 660–662); Lepelley 1986, 235–236, succinctly summarizes the findings of Chastagnol 1964.

21 Arnheim 1972, 90, 158.

22 Arnheim 1972, 56–57.

23 Jones 1964, vol. 2, 526; Lepelley 1986, 236–237 (*Cod. Theod.* 6.22.1).

raise the rank of many of the highest equestrians, the *perfectissimi*, to senatorial *clarissimi*, there was no reason why their equestrian underlings should not be promoted to higher, or even the highest, equestrian rank. *Vir egregius*, and eventually also the other grades, could be left to wither away; the emperor could confer, and persons intent on obtaining special status would prefer, the highest equestrian rank to the lowest, between which there remained no material distinction in the fourth century.²⁴ Valentinian and Valens indicate the essential difference between such equestrians and senators precisely:

Roman knights, whom We desire to hold the honor of the second rank of all in the city, should be chosen from native Romans and citizens . . . and because it is unbecoming that such men be without privileges, the fear of physical punishment and interrogations shall not perturb them, and they shall be considered immune to the taxes that are incumbent on the senatorial order.²⁵

Equestrian status remained a valuable status to hold: it conferred a higher standing, brought immunity to torture and exemption from all or some curial duties,²⁶ yet did not obligate the equestrian to senatorial financial obligations (e.g., the *collatio glaebalis*).

There remains the question of why Constantine decided to appoint senators to provincial governorships and other administrative positions outside the narrow range of offices left them under the Tetrarchs. One answer is to suggest that Constantine hoped to placate the predominantly (some say “ardently”) pagan aristocracy of Rome, which will have taken offense at his conversion to Christianity²⁷ or (also) at the imposition of the *folis* or *collatio glaebalis*, a new tax on members of the senatorial order.²⁸ Fierce animosity, however, between Constantine and the Roman aristocracy is no longer presumed.²⁹ Speculation about the *collatio glaebalis*, moreover, is idle in this context, since we do not

24 It is probably for this reason that only the *perfectissimus* receives a specific title (6.38) in the *Theodosian Code* by the fifth century.

25 *Cod. Theod.* 6.37.1 (a. 364?): *equites romani, quos secundi gradus in urbe omnium optinere volumus dignitatem, ex indigenis romanis et civibus eligantur . . . et quia vacuos huiusmodi viros esse privilegiis non oportet, corporalium eos iniuriarum et prosecutionum formido non vexet, ab indictionibus quoque, quae senatorium ordinem manent, habebuntur immunes.*

26 Cf. the distinctions made by Constantine in *Cod. Theod.* 6.22.1 (a. 318? See Barnes 1982, 74).

27 Especially Arnheim 1972, 51, 72, 170: “The appointment of members of the aristocracy to imperial posts by Constantine may best be understood as an attempt to placate and win over this ardently pagan class”; Grünewald 1990, 76–77.

28 Arnheim 1972, 51; cf. Löhken 1982, 118.

29 Cameron 1989, 96.

know, in fact, when Constantine introduced it.³⁰ Another interpretation of the advancement of senators to offices in the provincial administration holds that Constantine had resolved to fuse the equestrian and senatorial orders.³¹ Lepelley goes so far as to argue that Constantine had resolved to do no less than “redefine the ruling class, to give a coherent structure to its recruitment and its hierarchy.”³² There is no reason, however, to suppose that Constantine perceived a need “to redefine the ruling class” or even conceived of such abstractions.

Constantine’s goals must have been more immediate. The appointment of a handful of prestigious senators to civilian posts of responsibility, such as praetorian prefect, was a significant display of confidence in the men concerned. It cannot, however, overshadow Constantine’s other innovations in the senatorial order. To claim that Constantine followed “a markedly senate-friendly policy”³³ is to miss the greater purpose of Constantine’s lavishness with grants of senatorial rank. The Roman senators alive when Constantine took the city lost far more than they gained by the appointment of some of their number to posts in the civil administration. They suddenly saw as their nominal peers—as fellow *clarissimi*—men promoted from the imperial administration and provincial curias: although the offices each senator had held determined his place in the line of precedence, it was still a fact that senators by birth and former equestrians now stood as *clarissimi* in the same line and shared the same fundamental privileges that senatorial rank conferred. The promotion of such new senatorial governors was not “inflation,” but (for equestrians, anyway) a dramatic raise in the terms of recompense for service. New *clarissimi* would be minted every year after holding formerly equestrian offices that now carried senatorial rank. The privileges they obtained were real, and the place they held in the senatorial order of precedence need not have derived from a traditionally senatorial office.

What Constantine’s reform of official appointments accomplished was to dissipate the influence of an entire generation of senators by birth and lay the foundations of a new imperial senate. It was from these men that the “Dienstaristokratie” of the later fourth century would arise. Exclamations of dismay at impending service are no longer taken seriously as evidence of

30 Zos. *Nea hist.* 2.38.4: ἀπεγράψατο δὲ τὰς λαμπροτάτων οὐσίας, τέλος ἐπιθείς ᾧτινι πόλλιν αὐτὸς ἐπέθηκεν ὄνομα; Karayannopoulos 1958, 126.

31 Jones 1964, vol. 1, 106.

32 Lepelley 1986, 228–229: “Ma non era forse giunta l’ora di ridefinire la classe dirigente, di dare una struttura coerente al suo reclutamento e alla sua gerarchia? . . . sì percepiva una volontà di riordinamento delle strutture sociali finalizzata a una ridefinizione dell’élite” (228).

33 Grünwald 1990, 77: “eine ausgesprochen senatsfreundliche Politik.”

general aristocratic contempt for office,³⁴ but willingness to serve in the later fourth century was encouraged not only by economic interests in the places governed.³⁵ Most of the offices opened by Constantine to senators would not, initially, have excited the men who looked forward to a proconsulate or urban prefecture. The administration of various provinces or dioceses formerly administered by men of equestrian rank brought no increase of rank or prestige, and it was these intangible goods that dominated the clamor for office in Late Antiquity.³⁶ A senator born into the order can have had little use for an office graded *perfectissimus*, the inferior rank held by *praesides* and *vicarii* under Diocletian. Many such senators would have balked at serving in the place of an equestrian. What is remarkable is that, thanks to the prosopographical tables compiled by Arnheim, we know that many men from senatorial families did serve as minor governors under Constantine: roughly a third of those *praesides* whose origins are known,³⁷ and half of the *vicarii* or *comites provinciarum* whose origins are known were also of senatorial birth.³⁸ It would appear then that even at the very beginning of the fusion of the senatorial and equestrian careers, Constantine was not lacking collaborators from the ranks of the traditional aristocracy. How might one account for this?

Löhken has argued that Constantine integrated senators in the imperial administration in order to control them.³⁹ This argument approaches the truth: it was Constantine who ultimately controlled appointment to office. He could confer rank on a man and appoint him to an office when and for as long as it was his pleasure to retain him.⁴⁰ If Constantine opened important posts in the civil administration to the traditional Roman aristocracy, he also created competition for advancement—competition that he controlled. The somewhat surprising tenure of relatively humble public offices by noblemen under Constantine's reign must be the result of competition with formerly equestrian administrators for his favor. There was indeed virtually no limit of equestrians who could be placed in office, and by virtue of it, in the senate. If Constantine conferred senatorial rank on men of equestrian and curial status,

34 E.g., Matthews 1975, 29. On this literary topos, see Weisweiler 2010.

35 Weisweiler 2010, citing Amm. Marc. 16.8.12–13.

36 Jones 1964, vol. 1, 383–391; Matthews 1975, 18–23; Lendon 1997, 177–201.

37 Arnheim 1972, 215.

38 Arnheim 1972, 216.

39 Löhken 1982, 116–117.

40 The poet Porfyrus Optatian is an interesting example: recalled from exile by Constantine shortly after his *vicennalia*, Optatian was twice made urban prefect of Rome, on both occasions for little more than a month (PLRE 1, Optatianus 3). Iteration of the highest regular senatorial office will have conferred immense prestige on Optatian, despite his brief tenure of office on both occasions. On Optatian cf. Wienand 2012, 355–420.

there would soon be many more senators of his own creation than had been born into the order. The result of this purposeful generosity would be the dramatic expansion of the senatorial order. Within a few years a panegyrist could even praise the policy before the Roman senate itself. In 321, Nazarius claims before the senate: “You at long last felt that you are queen over all peoples and lands, Rome, when you appropriated to your curia the best men of all provinces, so that the senate should be more illustrious not in name but in fact, because it would consist of the flower of the entire world.”⁴¹ By enrolling imperial administrators in the senate, Constantine restored senatorial prestige to provincial office, not vice versa. He also ensured that he would have no lack of senatorial collaborators in the future. In contrast to *perfectissimus*, the rank of *clarissimus* was hereditary; every equestrian whom Constantine appointed *consularis* became a senator who could bequeath senatorial status to his children, who might one day take his place in the administration and in the senate. Constantine must have known full well that he could resort to new men on whom he had bestowed senatorial rank, and that his successors (his sons) could resort to their sons. Constantine risked little by conferring senatorial status and expanding the pool of candidates; he could always reconsider whether to promote such new senatorial scions to public office.⁴² The result of this conferral of rank and offices would be not only a much larger senate but also a senate dominated by such men—his men. It is doubtless for this reason that the author of the *Historia Augusta* claims that Diocletian and his colleagues were “always respectful of the Roman senate” (*Carinus* 18.4), despite the fact that they excluded senators almost entirely from their administration and greatly reduced the proconsular provinces of Africa and Asia.⁴³ Diocletian left the senate largely to itself; Constantine, however, is traduced in the conservative, pagan tradition for “confounding” the traditional offices.⁴⁴

Constantine evidently desired a Roman senate that could provide both prestigious and loyal administrators. He retained some of the most distinguished noblemen in office but created a system of advancement that would provide for the enrollment and promotion of new men. A similar need for loyal administrators must have lain behind the creation of the senate of Constantinople, which was initially ranked *secundi ordinis*.⁴⁵ The appointment of senators to

41 *Pan. lat.* 10(4).35.2: *sensisti, Roma, tandem arcem te omnium gentium et terrarum esse reginam, cum ex omnibus provinciis optimates viros curiae tuae pignorareris, ut senatus dignitas non nomine quam re esset illustrior, cum ex totius orbis flore constaret.* Lepelley 1986, 236; Lizzi Testa 2009d, 113–114.

42 I thank Johannes Wienand for this observation.

43 Arnheim 1972, 39; Lepelley 1986, 232.

44 *Zos. Nea hist.* 2.32.1: συνετάραξεν δὲ καὶ τὰς πάλαι καθεσταμένους ἀρχάς; cf. Julian in Amm. Marc. 21.10.8; Lizzi Testa 2009d, 86–87.

45 Heather 1998, 185–186; *secundi ordinis*: Chastagnol 1976, 62 (see in general, 60–65).

traditionally equestrian offices and the elevation of equestrian officials to consular rank brought about the proliferation of senators by birth in the provincial administration under the western emperors of the later fourth century. Constantine could select and promote favorites from among the established senatorial aristocracy and reward ministers in the imperial service with senatorial prestige. By awarding offices and honors, he reinforced his authority as supreme patron.⁴⁶ Schmidt-Hofner has persuasively argued that this deliberate exercise in patronage was the *primary* purpose of legislation on precedence.⁴⁷ The process augmented Constantine's influence as patron of both leading aristocrats and of the Roman senate as a body.⁴⁸ Traditional Roman aristocrats still won the greatest prizes—proconsulates and urban prefectures—but they also now contended for the small ones. They might encounter “peers” in Rome or in the provinces who had received senatorial rank by virtue of administrative positions that were not part of the traditional senatorial *cursus*. Both old and new senators participated in the provincial administration, and in the sequel the most eminent among them would press for greater distinctions of rank to separate them from ordinary *clarissimi* altogether.⁴⁹ Far fewer, however, would obtain these.

CONTENTIO DIGNITATUM AFTER CONSTANTINE

Constantine set in motion a competition for rank that would define the ambitions of fourth-century administrators and senators. This contention would result in new, higher ranks to enforce a measure of distance between what was now a multitude of senators and the highest functionaries of the administration—the *virī spectabiles* and *illustres*. Was this inflation? In answer, one might ask who was responsible for the changes: to what extent was imperial legislation on rank and privilege after Constantine the work of the emperors or the work of their subjects? Most studies emphasize the emperor as the figure around which all revolved.⁵⁰ This is in a formal sense true, but it remains to be seen to what extent the emperor controlled the crowd or was controlled by it.

46 I paraphrase Rilinger 2007, 199: “Da der Kaiser durch Vergabe von Ämtern und Ehren seine patronale Führungsposition festigen kann . . .” Cf. Löhken 1982, 21–22; Schmidt-Hofner 2010, 225–227.

47 Schmidt-Hofner 2010, esp. 231–240.

48 And the creation of senators was also, once the *collatio glauialis* was introduced (whenever that was), potentially lucrative.

49 See discussion “The Steepening Pyramid” by Weisweiler 2010, who illustrates the consequences of Constantine's policy in the middle fourth century.

50 E.g., Lendon 1997, 223: “Among the many forces hampering the smooth working of government in the late period were two related problems: under-honourable governors and over-honourable subjects. Both of these were the emperors' creations, the results of imperial policy.”

The emergence of the higher ranks *spectabilis* and *illustris* and beyond were not the immediate result of a central decision to reduce the value of the rank *clarissimus* like the silver content of a third-century denarius. The merging of the senatorial and equestrian orders under Constantine resulted in orchestrated chaos; men who had not formerly shared the same status found their individual rank as senators determined by both traditional senatorial and now also imperial offices, which would gradually rise to rival and in some cases surpass the former.⁵¹ Rivalry and aristocratic competition would spur men of rank to defend their honor and, at the emperor's pleasure, advance before their peers.⁵² The very competitiveness of the senate and the court, and of Roman society generally, contributed greatly to the proliferation of ranks and entitlement.⁵³

The discussion thus far has dwelt on contention for office within the senate and on the ranks traditional senatorial offices carried. Competition for precedence according to senatorial rank, however, was now an empire-wide phenomenon.⁵⁴ Constantine and his successors not only awarded ranks to active officials, whether from the senate or the court, but also conferred the ranks associated with various offices directly, as personal honors without actual tenure of office. As *honorati*, men throughout the empire won a place in the senatorial order, independent of the senate. The principle that men who acquired honorary titles ranked after those who earned theirs by actual officeholding swiftly (and unsurprisingly) became established, but by a further legal fiction, the emperors could award even such "earned" ranks to favorites.⁵⁵ Roman society was dominated by a linear-hierarchical principle of rank;⁵⁶ an ambitious, status-conscious Roman needed to know where his place in a given hierarchy was—and ideally he knew precisely that.⁵⁷ But the senatorial order after the reforms of Constantine was significantly more heterogeneous than before, and men of vastly different background, wealth, and political importance might meet as notional peers in the provinces.⁵⁸ The use of senatorial ranks as rewards for administrators and *honorati* made finding one's place significantly more complicated. Small wonder, then, that the governor of Numidia, Ulpius Mariscianus, had engraved in stone the order in which he was to be greeted

51 E.g., the assimilation of the rank of the praetorian prefects to that of the urban prefect.

52 Coherent structure: Lepelley 1986, 228. Most legislation on precedence is in fact highly unsystematic and ad hoc: Schmidt-Hofner 2010, 216–218.

53 In general, Jones 1964, vol. 2, 545–562; Schmidt-Hofner 2010, 229–230; Weisweiler 2010.

54 Carrié 2005, 281, rightly emphasizes how these ranks "rubbed shoulders" at the municipal level."

55 See Jones 1964, vol. 2, 534–535.

56 Rilinger 2007, *passim*.

57 Rilinger 2007, 176.

58 Jones 1964, vol. 2, 544–545 cites some examples.

by local notables.⁵⁹ The exchange of hugs and kisses between men of rank on such occasions was regulated by law.⁶⁰ One governor, Lucianus the *consularis* of Syria, utterly alienated local *honorati* because he propped himself up head and shoulders above them on pillows when they sat together on his tribunal (exercising their right to *consessus*).⁶¹

Disturbances in the prevailing hierarchy were unwelcome and dangerous for mere governors to make. What, though, when the emperor himself upset the order of men and dignity? That is what occurred when Constantine began to appoint senators to important administrative posts and to confer senatorial rank on numbers not seen perhaps since the dictatorship of Julius Caesar:⁶² the members of two distinct hierarchies began to be ranked together according to the rules of one. Lepelley observes that the promotion of imperial administrators to the *clarissime* augmented their prestige but neither their wealth nor authority.⁶³ In his view, nothing had changed: “Ogni tappa rappresentò un’inflazione e, in modo concomitante, una svalutazione dei gradi della nobiltà imperiale; le strutture sociali profonde, però, restarono essenzialmente immutate.”⁶⁴ The fact, though, that society had not changed in tandem with the rank of imperial administrators is precisely why the senatorial order would require much greater refinement over the course of the fourth century AD and beyond. According to Löhken, late-antique emperors fostered an atmosphere of uncertainty with respect to the conferral of rank and privilege in order to exercise their power of adjudication and demonstrate dominance.⁶⁵ That is not to say that emperors resolved controversies of precedence

59 *Ordo salutationis*: Chastagnol 1978.

60 E.g., *Cod. Theod.* 6.24.4 (a. 387): *domestici ac protectores osculandi, cum salutaverint, vicarios tui culminis habeant potestatem. poena enim sacrilegii similis erit, si his honorificentia non deferatur*; *Cod. Theod.* 12.1.109 (a. 385): *osculum quoque his [sc. ex comitibus] in provincia iudicantem et consessus indultus sit*. *Consessus* is the right to sit with the governor as he dispenses justice; hugs and kisses are mentioned by Libanius, *Or.* 56.5 (περιβαλεῖν καὶ φιλεῖν); cf. the next note. See Lendon 1997, 233–234. For examples of other formal occasions, cf. *Cod. Theod.* 6.8.1.

61 *Lib. Or.* 56.4 (part of a lengthy tirade against Lucianus). It is an exaggeration to say that this was a “fatal mistake,” as Brown 1992 says; it was fatal only figuratively, if even that. Lucianus was deposed as *consularis* in 388 for this among many reasons; he still proceeded to the office of *comes Orientis* in 393. His fatal mistake came in 393, when he (justly) rebuffed Eucherius, a relation of Theodosius I, former CSL and ex-consul residing in Antioch, for which he was flogged to death by the praetorian prefect Rufinus: PLRE 1, Lucianus 6, Eucherius 2.

62 See “Caesar’s New Senators,” in Syme 1939, 78–96. Syme imitates the disgust of the conservative in writing (p. 78), “Caesar’s adherents were a ghastly and disgusting rabble: among the new senators were to be found centurions and soldiers, scribes and sons of freedmen.” Atticus, quoted by Cic. *Ad Att.* 9.10.7 calls them a *colluvies*, like filth and trash collected in a gutter.

63 Lepelley 1986, 243.

64 Lepelley 1986, 243–244.

65 Löhken 1982, 59: “Ungesicherheit.”

only from self-interest. Emperors also responded to a need for order within the ruling class, what Schlinkert has called an “Ordnungsbedürfnis.”⁶⁶ There must be order to some extent for imperial patronage to succeed. Behind the rivalries, the senatorial aristocracy experienced a need for differentiation—a “Differenzierungsbedürfnis”—both among its members and with respect to others, to which emperors too were sympathetic. It is a model of refinement or differentiation (“Differenzierung”), not inflation, that drove the creation of higher ranks over the course of the fourth century. Differences in prestige subsisted in the senate, in the political importance of high administrators, and among various mid-ranking officials, but in the early fourth century all the men affected were *clarissimi*.

Several constitutions preserved in the *Theodosian Code* reveal how rank and precedence were contested in the years after Constantine, both within the senates of Rome and Constantinople and within the departments of the imperial bureaucracies. Disputes might arise on any occasion when men had to get in line, whether in the senate house or in the provinces. That is not to say that the emperor always made a positive ruling or innovation in such cases. In a letter from AD 359, Constantius II chastises the senate of Constantinople for consulting him at all.⁶⁷ The senate had been unable to find candidates for the praetorship, an office increasingly viewed as an unpleasant burden in Late Antiquity because of the expensive games associated with it.⁶⁸ The senate failed to nominate praetors, not because it had found no one suitable, but because the nominees had disdained to hold so low an office—that also carried considerable expense. Constantius responds by citing two prestigious men who had recently held the praetorship: Facundus, an ex-proconsul, and Arsenius, an ex-vicar:⁶⁹ “Neither of these men thought the praetorship beneath his dignity,” Constantius writes. “What example could be found more illustrious than these men?”⁷⁰ This specimen of disingenuous imperial wit exposes the direct consequences of the innovations in rank made by Constantine. The answer to Constantius’ question is *none*—none at least among traditional *viri clarissimi*. No man who had been born a senator could have served as proconsul (or as

66 Schlinkert 1996, 65–66; as Schmidt-Hofner 2010, 225, rightly notes: “Auch der Kaiser stand . . . nicht außerhalb des sozialen Systems, er teilte die Überzeugungen der Gesellschaft und ihrer Eliten hinsichtlich der Bedeutung von Ehre, Rang und Präzedenz.”

67 *Cod. Theod.* 6.4.15.

68 Jones 1964, vol. 2, 537–542.

69 PLRE 1, Facundus 1, Arsenius 1 (both known only from *Cod. Theod.* 6.4.15).

70 *Cod. Theod.* 6.4.15: . . . *Facundus ex proconsule et Arsenius ex vicariis praetorum insignibus splenduerunt, nec quisquam horum putavit esse praeturam infra propriam dignitatem. Quid autem illustrius his repperitur exemplis?*

vicar by then) without first serving as praetor. Facundus and Arsenius are new men, who must have been enrolled into the senate after service in the imperial career.⁷¹ It is probable that neither in fact had held the office of proconsul or vicar, but had been awarded the equivalent rank after service in the palatine bureaus. Constantius' argument is that other members of the senate who were styled ex-proconsuls or ex-vicars should likewise show themselves eager to hold the office of praetor.⁷²

It is easy to imagine how the dispute might have arisen. Men like Facundus and Arsenius presumably began their careers in the court, for example, as lowly stenographers (*exceptores*).⁷³ They would rise through the ranks at court, receiving whatever *dignitas* the emperor assigned their offices. A nobleman born into an ancient senatorial house, meanwhile, would embark on his career in the senate by holding the ancient junior magistracies: the praetorship, which required the giving of lavish games at his (or rather his family's) expense, would confer on him formal admission to the senate.⁷⁴ The next office might be a consular governorship, then perhaps a vicariate or proconsulship before an urban or perhaps even a praetorian prefecture.

Once imperial bureaucrats like Facundus and Arsenius had received senatorial rank, they became *viri clarissimi* and suddenly found themselves the peers of aspiring noblemen who had already held the office of praetor. In fact, they would outrank any such nobles or *clarissimi* who had not yet held a proconsulship or vicariate. They belong simultaneously to two hierarchies; as products of the imperial career path, imperfectly integrated in the aristocratic senate, they are both as distinguished and yet far less distinguished than their "peers." No amount of imperial favor could raise their social status, but there they were in the senate. The objection that men like Facundus and Arsenius might make to nomination as praetor is not unreasonable: if they should enjoy equal prestige with former proconsuls and rank above ordinary provincial governors, then they need not hold the inferior office of praetor. It is easy, on the other hand, to imagine how aristocratic colleagues might have entertained a different opinion: if a senator by birth embarking on a traditional senatorial career must entertain the mob as praetor, so should parvenus from the imperial court, if

71 Noted also by the editors of PLRE.

72 Lendon 1997, 227, also discusses *Cod. Theod.* 6.4.15; he reads Constantius' letter to the senate as "a plaintive decree" that had no effect. *Pace* Lendon, my impression of the Latin is that Constantius is irritated and imperious, not plaintive; he conspicuously refuses to solve the senate's dilemma for them and makes it quite clear that he expects his senatorial appointees to follow the example of Facundus and Arsenius.

73 A popular choice for aspiring bureaucrats: see Teitler 1985.

74 Chastagnol 1976, 58–59.

they are supposed to be peers. This hypothetical reasoning is admittedly rather generous: established noblemen may well have relished nominating such new men for the inferior office of praetor as a means of humiliating them, of displaying their inferiority—not to mention the financial burden posed by the office. It is not surprising that honorary ex-proconsuls or ex-vicars and other *honorati* put up a vigorous fight, forcing the matter to be brought before Constantius and earning the entire senate a rebuke. It is moreover noteworthy that Constantius decides *against* men like Facundus and Arsenius, whom most would describe as his protégés from the imperial bureaucracy. Surely, the purpose of efforts to nominate his appointees for low posts was not lost on Constantius, but the first emperor *porphyrogenitus* in generations ruled that that was the price these men must pay for honor. His ruling in *Cod. Theod.* 6.4.15 denied *novi homines* dispensation from nomination to an office well below their nominal rank. Valentinian and Valens, however, saw things differently and closed this loophole in 373: these emperors freed even those adlected *inter praetores* from holding the praetorship itself.⁷⁵ Had the rank of honorary *praetorii* been inflated thereby? On the contrary, this dispensation made the rank *more* valuable and attractive to everyone but those whose rank was still higher.

If new entitlement often met with envy and resentment, usurpation of rank roused the indignation of the entitled. The title in the *Theodosian Code* dedicated to the usurpation of rank (*ut dignitatum ordo servetur*) regrettably survives in only two fragments recovered from the *Breviarium*, and the *Justinian Code* adds little of use. What remains nonetheless gives some impression of the emperors' interest in guaranteeing precedence within the senatorial and imperial orders. The first constitution, dated to 383, is addressed to Clearchus, urban prefect of Constantinople, presumably in his capacity as president of the senate.⁷⁶ In the surviving text, the emperors make no innovation but merely expound on the evils of neglect for proper rank:⁷⁷ "Every privilege due one's merits perishes, if a place of guarding one's honor is presumed rather than held, without respect and consideration or even the distinction of earned advancement, whereby either what is due one's superiors is torn from them, or one's inferiors benefit by what is not their due."⁷⁸ The Visigothic interpretation

75 *Cod. Theod.* 6.4.23. Schmidt-Hofner 2008, 522 considers the senate of Constantinople the more plausible addressee of *Cod. Theod.* 6.4.22+23.

76 *Cod. Theod.* 6.5.1.

77 Gothofredus 1737, *ad loc.* describes it as "gnomae alicui potius quam constitutioni similior"; he conjectures that it derived from the preface of the same constitution as *Cod. Theod.* 6.22.7 (Mommсен does not identify the two).

78 *Cod. Theod.* 6.5.1: . . . *perit enim omnis praerogativa meritorum, si absque respectu et contemplatione vel qualitate etiam provectionis emeritae custodiendi honoris locus praesumitur potius*

of the text, however, appears to presuppose content omitted from the excerpt. The interpreter remarks, “Just as rank is a decoration to those who earned it, so are those who usurp it to be branded with infamy.”⁷⁹ He mentions the *nota* or “mark” of *infamia*, a legal concept also often indicated in late Latin by the word *macula*, a spot or blemish. The latter word is implicit in the verb *maculandi*. If this punishment is not an invention of the *interpretatio*, but rather the text of *Cod. Theod.* 6.5.1 is defective, already by AD 383 usurpation of rank was punished by *infamia*, which stripped one of all privileged status and prohibited one from holding office.

The following constitution in the *Theodosian Code* (*Cod. Theod.* 6.5.2) might be read as an aggravation of that penalty. This constitution famously begins, “Valentinian of heavenly memory, the father of Our Godhead (*numen*), assigned each rank a fixed and deserved place.”⁸⁰ The constitution continues, “If then someone usurps a place (i.e., rank) not due him, he shall not defend himself (by claiming) ignorance and shall be manifestly guilty of sacrilege for neglecting (Valentinian’s) divine commands.”⁸¹ Sacrilege, which originally meant temple robbery, was in Late Antiquity applied to the violation of various imperial precepts. The punishment remained as harsh as before: an *honestior* (to use the legal category in its proper context) faced deportation.⁸² The occasion of this constitution is unknown, but an inquiry by the praetorian prefect regarding a person of high rank may be inferred from the reference to Valentinian’s law.⁸³ The praetorian prefect presumably will have inquired what course of action to take against such an offender. Perhaps the case concerned some notable person in northern Italy: the constitution would have been sent to the urban prefect had the breach been discovered in the Roman curia. The emperors’ response shows that it was necessary to resort to ever harsher punishments to check the usurpation of rank.

It was difficult enough to maintain precedence with respect to legally obtained honors. The expansion of the senatorial order necessitated the invention and

quam tenetur, ut aut potioribus eripiat id, quod est debitum, aut inferioribus prosit, quod videtur indebitum.

79 *Cod. Theod.* 6.5.1 *interpretatio*: ... *sicut eis, qui meruerunt, dignitas ornamentum est, ita nota maculandi sunt, qui praesumunt.*

80 *Cod. Theod.* 6.5.2: *Caelestis recordationis Valentinianus, genitor numinis nostri, singulis quibusque dignitatibus certum locum meritumque praescripsit.* See Schmidt-Hofner 2010.

81 *Cod. Theod.* 6.5.2: *Si quis igitur indebitum sibi locum usurpaverit, nulla se ignoratione defendat, sitque plane sacrilegii reus, qui divina praecepta neglexerit.*

82 Discussed in connection with *Cod. Theod.* 11.30.8 in Dillon 2012, 211f.; cf. Mommsen 1899, 569 n. 2, 760 n. 7, 771.

83 The praetorian prefect, Agorius Praetextatus, was one of the most eminent men alive: PLRE 1, Praetextatus 1.

eventual formalization of additional grades, namely, *viri spectabiles* and *viri illustres*, which placed more prestigious senators firmly ahead of their colleagues according to the offices they had held.⁸⁴ The evolution of these senatorial ranks was not the result of inflation but of differentiation and adjustment, in order to give proper prestige indisputably to the preeminent. The introduction of pre-eminent ranks was both a means of rewarding valuable servants and of preventing controversy among members of the same rank who held differing qualifications. As further officials were admitted to the senatorial order, and as new honors were devised or held in new combinations, new situations arose in which the place of a given man in the order of precedence was contested. A constitution issued to the urban prefect of Rome in 382 seems to have been born of such wrangling within the senate house. The emperors rule “according to the evident authority of tradition” (*evidenti auctoritate*) that all ranks must yield to ordinary consuls.⁸⁵ This had long been the case.⁸⁶ The emperors continue, noting that “there has long been no doubt” that a senator distinguished by the consulate *and* a prefecture or “military command” (the office of *magister militum* or *peditum et equitum* is meant) takes precedence over one decorated by the consulate alone, even if he had been consul first (*pridem consulari*).⁸⁷ This principle too seems to be nothing new. The prefects (urban and praetorian) and *magistri* were the *illustres* “joined” in honor by Valentinian I in 372. Under normal circumstances, former prefects or *magistri* took precedence as *illustres*; in the senate, however, according to the “house rules,” they came after consuls.⁸⁸ According to this constitution, therefore, if an ex-prefect or *magister* was later also appointed consul, he enjoyed precedence over a senator who had served only as consul. Finally, we reach the likely source of contention: the troublesome title *patricius*. If a man was additionally designated *patricius*, then “who doubts that such a man ranks over the rest?”⁸⁹ The emperors conclude with a rule: no one distinction is superior to two or more, so long as the consulate is among them. In other words, even an *illustris*

84 As Lendon 1997, 225–226, observes, Roman emperors “worked to keep the structure of the administration congruent with the socially ascribed status of [their] officials.”

85 *Cod. Theod.* 6.6.1: *universa culmina dignitatum consulatui cedere evidenti auctoritate decernimus.*

86 See, for example, the long list of references collected by Gothofredus 1737, *ad Cod. Theod.* 6.6.1 (ii. p. 73–74.); Jones 1964, vol. 2, 528.

87 *Cod. Theod.* 6.6.1: *Sed ut consulatus anteponebatur omnibus fastigiis dignitatum, in omni etiam curiae senatoriae actu sententia coetu, si quis consulatu et praefectura vel culmine militari conspicuus est, pridem consulari praeferendus haud dubio est.* On the sense of *pridem consulari*, see Gothofredus 1737, ad loc. (ii. p. 75, ‘sexto loco’).

88 *Cod. Theod.* 6.7.1 (see *infra*).

89 *Cod. Theod.* 6.6.1: *Porro si contigerit, ut ad duas has praerogativas etiam patriciatus splendor addatur, quis dubitet huiusmodi virum praeter ceteros eminere?*

patricius ex-prefect or ex-magister still had to take his seat after an ex-consul, if he did not also hold that title.⁹⁰ In light of the emperors' response, the controversy may have arisen between two *virii illustres* who had both been consul. One had been consul earlier, and would therefore ordinarily have precedence, but the other had also been designated *patricius*. Since the latter man had three titles to his name, the emperors grant him the right of sitting ahead of his predecessor as consul, who had only two. The rule that the emperors add is symptomatic of the complications that arose from the creation of distinctions within the senatorial order. The emperors strive to reward each man according to his merits, yet they also defer to tradition within the senate by allowing only ex-consuls who were also *illustres* to take precedence over other ex-consuls. Such controversies could have occurred anywhere.

Similar grumbling probably led to a passage of a letter sent from Constantinople in 383 to the praetorian prefect Postumianus.⁹¹ The constitution is an excellent illustration of the custom whereby a departing officeholder petitions the emperor for the honorary rank of the office one place above his own. The emperors cite by way of example a former vicar who receives the honorary rank of prefect. Such ranks were conferred with the reservation that those who had genuinely held the office in question took precedence over those who had not.⁹² The emperors attempt to maintain order and precedence both before and after the conferral of rank. The emperors order that one may petition only for the rank in the hierarchy immediately above the rank to which one was entitled: "Let him seek that entrance to honorary rank (*aditio*) that he recognizes to be next to his own in his hierarchy (*ordo*)."⁹³ The penalty for usurpation is loss of the rank usurped and a fine of twenty pounds of gold.

What is particularly noteworthy in this constitution, with its hypothetical examples and specific instructions, is that it appears at once to be a general statement on the law of precedence, particularly with respect to honorary rank, and yet it leaves the reader the impression that a specific case, or perhaps several similar cases, informed its content. We might not expect an ex-praeses to petition for the rank of a praetorian prefect, but an impropriety of this sort had almost certainly occurred.⁹⁴ The emperors may have been the authority

90 See Gothofredus 1737, *ad Cod. Theod.* 6.6.1 (ii. p. 76) for helpful hypothetical illustrations of the implications of this constitution; Jones 1964, vol. 2, 534.

91. *Cod. Theod.* 6.22.7.

92 Jones 1964, vol. 2, 534–535.

93 *Cod. Theod.* 6.22.7.2: . . . *eum gradum honorariae aditionis petat, quem proximiore confinio loco ordinis sui cognoscit esse contiguum.*

94 Even under the Roman republic, the *cursus* might crassly be ignored: for example, two equestrians challenged Sulla the dictator for unprecedented honors. One, Pompey, was permitted his triumph;

that conferred rank, but, as is well known elsewhere—in the dispatch of private rescripts, for instance⁹⁵—they could not personally control all petitions for rank; the penalty clause of the constitution anticipates the successful acquisition of unwarranted high rank.⁹⁶ The emperors declare that such a petitioner “should know that he will be stripped of what he obtained illegally.”⁹⁷ The emperors conspicuously make no provision for enforcement; none was needed. They could rely on the senate of Rome and Constantinople, or indeed on the aristocracy generally, to police its members in questions of precedence. The arrogation of rank exalted one man over many, and aristocrats in late-antique society knew the consequences when “respect for proper rank is neglected,” as the emperors put it.⁹⁸ The emperors established rules of precedence not only to guarantee the status of their own protégés but also to appease the aristocracy itself and to satisfy its demands for an order that accorded everyone his rightful place among his peers.

CONCLUDING THOUGHTS

It is misleading to describe the conferral of senatorial rank on imperial officials or curials strictly as “inflation”: the privileges of senatorial rank and to a large extent its prestige did not simply evaporate over time. The equestrians ennobled by Constantine benefited greatly: they obtained a permanent, hereditary status that exempted them from curial duties and placed them far above other decurions and *honestiores*.⁹⁹ The devaluation implied by the term “inflation” (especially if one thinks foremost of modern hyperinflation) does not do justice to the complicated forces at work behind the differentiation of the senatorial order in the fourth century.¹⁰⁰ The value of senatorial rank, in terms of its permanence and privileges, remained stable. Its notional value in the eyes of existing senators may have been diminished, but as far as the rest of the empire was concerned, Constantine had just minted real privilege and prestige out of thin air. The creation of so many new nobles, like the divulging of a late-antique *arcanum imperii*, naturally inspired resentment, but also competition and the drive for newer or higher privileges.¹⁰¹

the other, Q. Lucretius Ofella, who stood for consul though a mere *eques*, was put to death (Plut. *Pomp.* 14, *Sull.* 29.4).

95 Connolly 2010a, 55–58.

96 Cf. Jones 1964, vol. 2, 526–527; Lepelley 1986, 240–241.

97 *Cod. Theod.* 6.22.7.2: *sciat se...eo, quod contra legem impetraverit, esse privandum.*

98 *Cod. Theod.* 6.5.1, *supra* p. 15–16.

99 Löhken 1986, 131.

100 The appropriateness of the term “inflation” is rightly questioned by Schlinkert 1996, 66.

101 Resentment: see n. 44 *supra*.

It is no coincidence that virtually all the controversies of precedence discussed here concern men who entered the order through the imperial service. If one reflects on the disparity of rank between these erstwhile equestrian officials and members of the senate under Diocletian, it is clear that they had far to go to catch up to their noble rivals. The indispensable service of imperial administrators, however, recommended them for preferment and enjoyment of the significant privileges of senatorial rank. But traditional senators were by no means neglected by the successors of Constantine. Much of the legislation concerning them has vanished in the lacunas of the sixth book of the *Theodosian Code*, but the abiding importance of the senatorial order may be deduced from what remains. It was the senatorial administrative career onto which the equestrian was grafted, generally in a subordinate position;¹⁰² but once senators began to serve as *praesides*, vicars, and praetorian prefects, these offices too had to be given a place in the order of precedence. For example, since vicars presided over provincial governors, it was inevitable that they should become a senatorial office rated above ordinary consular governors, once senators began to hold both offices (vicar and consular). How could a *clarissimus* consular answer to a *perfectissimus* vicar? It was probably not special favor for vicars but regard for senatorial sensibilities that brought about the elevation of vicars ultimately into the circle of *viri spectabiles* and made them almost the equals of the traditional proconsuls of Africa, Asia, and (after Constantine) Achaëa. Senators also benefited from the rise of the praetorian prefect to the highest prestige, after this office too became open to them; and the urban prefect naturally was honored with the exalted rank of *illustris*, once this title became a fixed mark of rank rather than an improvised distinction for holders of real power and influence.

When Constantine resolved to employ senators in administrative posts of consequence in the provincial administration, he did so not by reviving abolished senatorial provinces, but by adapting the equestrian administrative structure. Once this step had been taken, the ranks of the imperial administration assumed a dynamic of their own. Formerly equestrian positions had to be reconciled to senatorial dignity, and the senate itself had to accommodate the prominence of imperial officials. The elevation of various functionaries was as much the result of petition from below as of imperial intervention.

Titles and ranks were seldom degraded; instead they slowly disappeared. The emperor exercised control insofar as he might confer ranks and elevate the prestige of one official with respect to another, but he could not abolish a

102 Lendon 1997, 224: "The emperor's solution was to yoke new posts to old."

rank or title without alienating a potentially large group of prominent persons. It was not Constantine's purpose to abolish the equestrian order or to diminish the prestige of senators; he sought rather to raise the rank and prestige of his administrators. The incorporation of these men in the senatorial order, however, led inevitably to new discrepancies of formal rank and social prestige. This complication was resolved gradually by the elaboration of new, superior ranks within the senatorial order from Constantine to Theodosius II and beyond. Seen in this light, the evolution of the grades *spectabilis* and *illustris* is unsurprising. These ranks did justice to the eminent men who stood above their senatorial peers, and whose prestige was perceived to suffer by too direct comparison with men who were politically and potentially also socially inferior. The formal establishment of these ranks, which were not created instantly, was not inflation so much as the recognition and compensation of a real discrepancy between actual and explicitly acknowledged prestige.

The disappearance of the equestrian order over the fourth century is customarily attributed to the inflation of ranks and titles. Lepelley has shown that the equestrian order was not simply suppressed by Constantine but persisted well into the fourth century.¹⁰³ He too, however, concludes, "si verificò un processo . . . che comportava una diffusione sempre più larga delle dignità inferiori al perfettissimo e, correlativamente, una diminuzione del valore di tali titoli, una rapida riduzione del prestigio sociale che essi potevano conferire."¹⁰⁴ It is true that the rank *perfectissimus* and the *comitiva* were conferred broadly and often illicitly in the first half of the fourth century. These ranks would certainly have lost some of their prestige as they became less exclusive, but the equestrian ranks (*egregius*, *centenarius*, *ducenarius*, *perfectissimus*) did not disappear simply because too many men held them.

I hope elsewhere to discuss the end of the equestrian order, but for now it must suffice to say the following: first, the monetary definitions of these ranks had become void after the real hyperinflation of the late third century. It was not the titles but the monetary value associated with them that suffered inflation. It is not surprising that the lowest grade, the *egregiatus*, was the first to disappear, when the highest conferred the same privileges while the notional salary associated with it meant virtually nothing. What decurion would want the least impressive equestrian title and what emperor would want to bestow it, when there was no real difference between it and the highest? Second, and more important, Constantine's predilection for lavish grants of status and privilege¹⁰⁵ raised the terms of reward

¹⁰³ Lepelley 1986, 237–239.

¹⁰⁴ Lepelley 1986, 239.

¹⁰⁵ Euseb. *Vit. Const.* 4.1: Ἀλλ' οἱ μὲν χρημάτων, οἱ δὲ κτημάτων περιουσίας ἐτύγκανον, ἄλλοι ὑπαρχικῶν ἀξιομάτων, οἱ δὲ συγκλήτου τιμῆς, οἱ δὲ τῶν ὑπάτων, πλείους δ' ἡγεμόνες ἐχρημάτιζον,

for imperial functionaries and petitioners permanently. Constantine set a precedent that subsequent emperors and subjects followed and expected. New *clarissimi* enjoyed greater privileges than *perfectissimi*, and once it became possible to receive the former status, why seek the latter?

From the perspective of the emperors, it was apparently more important to raise the prestige of various administrators and to win the loyalty and support of those who benefited by such grants of rank than to maintain the exclusivity of the privileges the higher ranks carried. These privileges did not simply disappear, and a slight “inflation” of the rank of *perfectissimus* or *clarissimus* and concomitant depreciation of their social prestige were presumably compensated, for the beneficiaries, by these privileges; for the emperors, by the loyalty and dependence that the beneficiaries of the policy would, ideally, have reciprocated. Much of the legislation on rank serves to ensure that various *honorati* enjoy their privileges, notoriously exemption from curial duties. Other perquisites might set *honorati* even above the representatives of the imperial administrators.¹⁰⁶ Ulpius Mariscianus, *vir clarissimus, consularis sexfascalis*, had to contend with fourteen honorary members of the curia of Timgad, the first ten of whom were his peers or superiors in rank.¹⁰⁷ The most distinguished “patron” named, Vulcacius Rufinus, had himself governed Numidia, had held the ordinary consulship of 347, and would serve three times as praetorian prefect;¹⁰⁸ the others may not have held the same political clout, but they could easily have taken an interest in the governor’s work, and most were present to make their interests known. They were the *potentiores* whom imperial policy both selfishly cultivated and struggled to control.

It would appear that courting loyalty through grants of honor, rank, and privilege generally took precedence over the awkwardness of actually ruling the recipients of this patronage. Constantine seems to have had immediate motives: he placed Roman senators in high office to encourage the ambitious among existing senators to serve. That was not enough; he made many more men of equestrian or curial status senators both to win the affection of the beneficiaries and to raise the status of the officials recruited from their ranks. The process of promoting men to the senatorial and equestrian orders could be repeated after each conquest, in 312, 316, and 324, until Constantine was patron

κομήτων δ’ οἱ μὲν πρώτου τάγματος ἡξιοῦντο, οἱ δὲ δευτέρου, οἱ δὲ τρίτου διασημοτάτων θ’ ὡσαύτως καὶ ἐτέρων πλείστων ἄλλων ἀξιωματῶν μυριοὶ ἄλλοι μετεῖχον· εἰς γὰρ τὸ πλείονας τιμᾶν διαφόρους ἐπενόει βασιλεὺς ἀξίας.

¹⁰⁶ Brown 1992, 35–47 (in terms of *paideia*); Lendon 1997, 227–235 (in terms of honor); Dillon 2012, 196–200, discussing “Relationes and Potentiores” (with respect to jurisdiction).

¹⁰⁷ See Chastagnol 1978, 22–24.

¹⁰⁸ PLRE 1, Rufinus 25.

of the whole world. His successors inherited an extensive regime of honor that was complicated, contentious, and potentially time-consuming—but it was a regime that made their most eminent subjects dependent on continued imperial favor.

All this capital in prestige, to return to the metaphor of money, had to come from somewhere. It was not the inflation but the proliferation of rank that frittered away the authority of the provincial administration, already reduced like the size of the provinces. Loyalty and “Akzeptanz” had their costs: too lavish with gifts of rank, and the emperors threatened to undermine their own government, but the entitled would never forgive a default of honor.

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Ostentatious Legislation

Law and Dynastic Change, AD 364–365

SEBASTIAN SCHMIDT-HOFNER

THE YEARS 364–365 OCCUPY A UNIQUE PLACE IN THE HISTORY OF late Roman legislation. Each of these years yields around eighty imperial *constitutiones* (the type of legal enactment carrying general force that was collected in the Theodosian and Justinianic Codes);¹ this is more than four times the average of approximately seventeen constitutions per year in the fourth and fifth centuries and still considerably more than the fifty to sixty laws extant from the next-best documented years covered by the Theodosian Code.² The numbers are all the more impressive in view of the fact that the laws are almost entirely Valentinian's; his co-emperor Valens' legislation is almost totally lost. This outburst of legislative activity demands an explanation. To be sure, it is notoriously difficult to draw historical conclusions from the number of extant laws per year: the transmission of late Roman legislation is largely deficient, much having already been lost when the Theodosian Code was compiled in the 430s. One might be tempted, therefore, to brush aside the evidence and argue that the legislation of the years 364–365 is simply the best preserved of the fourth and fifth centuries; that the legislative output of other years might originally have been equally high or even higher; and that the amount of surviving legislation in the years 364–365 is, therefore, in itself, insignificant. However, observations on the archival transmission of the legislation from 364–365 before its inclusion in the Theodosian Code render such an argument improbable on statistical grounds.³ Furthermore, historical considerations suggest that the abundance of

1 Seventy-nine constitutions are securely dated to these two years. In addition, one or two undated ones probably belong to these years. Figures derive from Schmidt-Hofner 2008b.

2 Years in which a high number of laws is extant include 383 and 386 (49 constitutions each), 399 (53), and 396 (57). Figures are based on Seeck 1919 and make no claim to precision; Cañizar Palacios 2005, 320, has comparable numbers.

3 For discussion, see the appendix to this chapter. One might further argue that the campaign in Persia in summer 363 could have caused a backlog of legislation, but Jovian had already resumed answering western *relationes* by November 363 (*Cod. Theod.* 11.20.1), and in any event a backlog from 363 cannot explain the exceptionally high production of laws in 365.

laws from 364–365 is not merely the product of chance but indeed reflects unusually intense legislative activity: this chapter suggests that the sudden wave of imperial constitutions in 364–365 should be seen as part of a deliberate strategy employed by the emperors Valentinian I and Valens to use legislation as a medium of propaganda in order to consolidate and promote their rule at a moment of political crisis.

The years 364–365 were marked by political instability in the Roman empire. In summer 363, Julian had died in battle; his successor Jovian's reign lasted little more than seven months. In February 364, the middling officer Valentinian was acclaimed emperor by Julian's defeated army and soon co-opted his brother Valens, an even less distinguished figure. In a monarchy that never developed formal rules of succession, new emperors were bound to face crises of loyalty. This threat was all the more real in the situation of 364, when Valentinian and Valens, who had neither an imperial pedigree nor outstanding achievements to recommend them, succeeded to a dynasty that had held power for four generations, since Constantius Chlorus (293–306), and claimed an even longer pedigree reaching back to Claudius Gothicus (268–270). That Valentinian and Valens' lack of dynastic legitimacy created a real threat of rebellion and civil war is clearly shown by the usurpation in late 365 of Procopius—a middle-ranking imperial official who claimed a distant relationship to the Constantinian dynasty and initially succeeded in mobilizing considerable support against Valens. Fear of a similar revolt informed Valentinian's decision to secure the western empire rather than come to his brother's aid.⁴

Valentinian and Valens thus faced serious challenges to the acceptance of their reign and deployed various strategies to overcome them. The new emperors courted the favor of the army and appointed Illyrian confidants to several influential positions.⁵ They demonstrated continuity with the Constantinian dynasty by leaving many of Constantius' and Julian's high officials and generals in office until 365 or longer.⁶ They treated Julian's legacy with studied

4 This decision was justified as a concession to the pleas of the western provinces to protect them against Alamannic incursions: Amm. Marc. 26.5.13; Symm. *Or.* 1.14–23. Most modern scholars doubt this explanation on the grounds that the Alamannic incursions of 365–366 were hardly serious enough to require the emperor's presence for anything other than psychological or propagandistic reasons: cf. Drinkwater 1997, and 2007, 266–279. Far more menacing was the threat posed by a successful general who might be acclaimed emperor during Valentinian's absence; thus Zosimus 4.7.4. Cf. Raimondi 2001, 24–30; Lenski 2002, 76f.; Drinkwater 2007, 274–277.

5 Lenski 2002, 56–67, qualifying previous scholarly exaggerations of the “Illyrian domination.” On the army, see below.

6 Continuity in personnel (numbers refer to entries in PLRE): Decimus Germanianus 4, PPO; Cl. Mamertinus 2, PPO; Saturninius Secundus 3, PPO; Fl. Iovinus 6, MVM; Fl. Lupicinus 6, MVM, among many others. See Tritle 1994, 146ff. for officials who had served under Constantius II.

respect and, at least in the early years, were conspicuously reserved in religious matters.⁷ They advertised their descent from a family of soldiers and their experience as estate-managers to compensate for their lack of a dynastic pedigree.⁸ And, as will be seen, they made great efforts to win loyalty by conferring privileges and honors on powerful groups among their subjects.

One important element of this strategy to cultivate loyalty and encourage the acceptance of the new dynasty—an element that hitherto has been little noticed—was legislation. The first purpose of this chapter is to demonstrate, on the basis of selected examples,⁹ in what ways legislation was used as a medium of advertising the new dynasty during the crisis of 364–365. The surprising legislative output in these two years was part of this strategy. This raises another, more fundamental issue. I will argue that the propagandistic use of legislation was not limited to a handful of exceptional enactments but pervasive throughout the years 364–365. If this is true, general questions arise about the function and purpose of the texts collected in the Theodosian and Justinianic Codes, which we conventionally understand as “law.” To be sure, law always had played a vital part in creating consensus about the legitimacy of Roman rule and the imperial system: every single legal enactment or judicial decision by Roman officials bolstered the authority of Rome and the emperor by showing imperial rule to be rational, reliable, and advantageous to the population.¹⁰ The language of imperial constitutions;¹¹ the system of petition and response; the publication, display, and archiving of law;¹² and even its physical appearance (on tablets and the like)¹³ helped to establish that legitimacy. Legislation also

7 Cf. *Lib. Or.* 24.10 on respect for Julian’s tomb, and *Cod. Theod.* 5.15.17 (364) and 7.7.2 (365) for polite references to Julian’s legal enactments; for their religious policy, cf., e.g., Rougé 1987; Wiebe 1995; Sabbah 2001; Lenski 2002, 211–263; Hunt 2007; Guichard 2008.

8 Cf. Lenski 2002, 89f. for the role of Valentinian and Valens’ father Gratian in their early propaganda. Attempts to link the new imperial house to that of Constantine by marriage and other means came surprisingly late: Lenski 2002, 102–104. Instead, imperial propaganda emphasized other qualities of their family. For example, according to *Them. Or.* 6.81b and 8.113d–114b, Valens was particularly suited for the imperial robe by virtue of his experience as an estate manager, which gave him greater understanding and sympathy for the needs of the population. *Symm. Or.* 1.1–3 and 14 praises Valentinian’s early adjustment to the hard and restless life of the soldier in the company of his father, which taught him endurance and afforded him knowledge of the world; cf. also Leppin 2007, 46–51.

9 The extant legislation of 364–365 covers almost all areas of law documented in the late Roman law codes. The examples analyzed in the following—chosen as the most significant—represent approximately one third of the legislative production of these two years. For more extensive discussion of the evidence and detailed engagement with previous scholarship, see Schmidt-Hofner 2008a.

10 As described by Ando 2000, ch. 4.

11 See most recently Eich/Eich 2004 and Kakridi 2005, 22–33 (on Cassiod. *Var.*), both with references to the substantial earlier literature on the subject, as well as Cañizar Palacios 2005 and 2009.

12 Ando 2000, 80–130, with further references.

13 Meyer 2004.

conveyed these messages, and some legal enactments have always been regarded as declaratory in character and/or calculated for propagandistic effect. All this can be taken for granted. This chapter goes a step further: it argues that the *primary* function and purpose of a considerable part of what we regard as normal, everyday late Roman legislation was not in fact legislative. Rather, many of the seemingly routine administrative texts preserved in the Theodosian Code served first and foremost as a medium through which Roman emperors communicated favor, concern, and other, similar messages to their subjects. The abundance of extant constitutions from 364–365 brings into focus this aspect of late Roman “legislation”—an aspect that is crucial for our understanding of the texts transmitted in the Theodosian Code but has received less attention than it deserves.

DISPLAYING FAVOR I: LEGISLATION AND THE MILITARY

In autumn 364, a few months after their accession to the throne, Valentinian und Valens issued an edict *ad universos provinciales* to the entire population of the empire. In it, the emperors promise “all deserving veterans the right to choose their residence, and perpetual tax exemption.” Veterans are allowed to choose vacant land wherever they wish, and they are assured that neither they, nor their families and slaves, would be liable to rent or taxes. The state additionally would supply animals and seed as starting capital.¹⁴ At first glance, there seems to be nothing unusual about this edict. In the course of 364, the survivors of the large army that Julian had led against the Sasanid empire were discharged; in this context, an edict regulating the settlement of veterans seems entirely justified.

It is nonetheless striking that—with one equally significant exception, as we shall see—there is no parallel to this edict, although in the period from Constantine to Justinian, there must have been dozens if not hundreds of veteran settlements. We would expect to find at least one or two similar texts in the legal codes or elsewhere merely on statistical grounds. The publication of this edict in 364 cannot, therefore, have been a routine matter. Yet nothing in it is either new or unique. The tax and liturgical privileges date from the early Principate and are also well attested in the early fourth century; we also know of starting capital from the same period in exactly the same amounts as for 364.¹⁵ The provisions of 364 had stood for generations without modification—and

¹⁴ *Cod. Theod.* 7.20.8, pp./acc. 17/11/364 (for the date, see Pergami 1993, 208). All translations of the *Cod. Theod.* are adapted from that by Clyde Pharr.

¹⁵ Exemption from *munera civilia*, *onera publica*, and *vectigalia* was already customary under the Principate; cf. Wolff 1986; Link 1989, 66–108; Królyk 2004. It is attested for Late Antiquity in *Cod. Theod.* 7.20.2 (326, Seeck) and *Cod. Iust.* 7.64.9 (Diocletian); immunity from *capitatio* in FIRA 1².93, p. 457, l.13–21 (Brigetio tablet, 311); *Cod. Theod.* 7.20.4 (325); cattle and seed grain as starting capital (in

yet they were published by edict throughout the empire. How, then, might one explain the paradox that routine business such as the settlement of veterans in 364 was made the subject of legislation and published in the ceremonial form of an imperial edict, although this was otherwise neither customary nor warranted by its content?

If this procedure is not justified by the content of the edict, there remains only one other explanation. Edicts, like all “general laws”—as they were to be called later—transmitted in the Theodosian Code (normally, imperial letters to an official or to a public body like a *corpus*), were published throughout the empire or the administrative area for which they were valid.¹⁶ Publication instructions are usually not preserved in the abridged texts found in the Theodosian Code, but constitutions that have been transmitted complete typically conclude with an order for their publication, such as, for example, the following letter to a praetorian prefect: “Your authority, by the posting of this edict (*edictis propositis*), shall cause to come to the knowledge of all peoples, of all provinces the decrees of Our August Majesty.”¹⁷ Sometimes such instructions

exactly the same amounts) in *Cod. Theod.* 7.20.3. On veterans’ privileges in Late Antiquity, see Jones 1964, vol. 2, 635ff.; Królyk 2004; Todisco 2004.

16 Publication, even if it was only “in certain provinces or places,” was one of the elements that constituted *generalitas*, the general validity (i.e., validity for all similar cases in the pertinent area of jurisdiction) required of the texts collected in the Theodosian Code, whether edicts or letters: see *Cod. Theod.* 1.1.6, 435; on the concept of “general laws,” see Matthews 2000, 65–70, and Sirks 2007, 24–31. It is unlikely that the elaborate concept of *generalitas* as it emerged in the late fourth and early fifth centuries existed already in the 360s (for discussion, see Archi 1976, 59–76). But what is important here is the distinction between case-specific regulations and those that had general validity and were therefore circulated throughout their recipients’ area of jurisdiction; and this distinction no doubt had long existed in the 360s. Edicts: by the late empire, the only difference between an imperial constitution in the form of a letter and one in the form of an edict seems to be that an edict was addressed to the population, whether of the empire or of a prefecture or province, rather than to an official, a legal body or another smaller group. In many cases the distinction is blurred or difficult to draw, for example in a considerable number of constitutions with an *inscriptio* like *ad provinciales Afros* (*Cod. Theod.* 10.10.9 or 10) or *ad universos provinciales* (above *Cod. Theod.* 7.20.8) that do not explicitly call themselves *edictum*, or when a constitution such as *Cod. Theod.* 8.11.2 is inscribed *impp. provincialibus salutem dicunt*. This problem is secondary here; what matters is the character of the enactments: since such texts, whether edicts in a technical sense or some sort of hybrid, are much rarer than letters, and since in a few cases (for an example, see “Staging Authority” below) it is attested that one and the same legal enactment took the shape of a letter to an official as well as that of a pronouncement to the populace in the form of an edict, it is generally assumed that edicts occurred much more rarely and were published in a more ceremonial (which was, however, not limited to edicts). On all this, see Mommsen 1905, clii–cliv, and Corcoran 1996, 198–203. Cf. van der Wal 1981 on so-called *leges edictales*, probably an artificial category for the retrospective systemization of law that had no practical impact on everyday legislation.

17 *Nov. Theod.* 1 §8; the same expressions with minor variants appear in almost all *Novels* to the Theodosian Code and in the Sirmondian Constitutions; for comments and more references to the publication of these texts, see most recently Matthews 2000, 187–199; Kakridi 2005, 27, for references from Cassiod. *Var.*; Puliatti 2008; Kreuzsaler 2009, 230–243; and Dillon 2012, ch. 2, with special emphasis on edicts. For the antecedents under the high empire, see Ando 2000, 81–130. There is an

specify the type of material on which a law was to be published, for example, on bronze if a decision was considered of lasting importance.¹⁸ From textual and archaeological evidence, we know that such texts were posted *in celeberrimis locis urbium singularum*, “in the most frequented places of each city,” as one constitution orders.¹⁹

Roman emperors could thus rely on a time-honored process of publication that ensured that texts like the edict of 364 *ad universos provinciales* concerning veterans would come to the attention of their subjects. On occasion, such imperial texts were read publicly to rapt attention, as we know from John Chrysostom (who asked for similar attention from his congregation at the end of a long sermon):

We do not offer to the laws of God calm attention similar to the silence that audiences in the theater show to imperial letters. When these letters are read out there, the consuls, prefects, the city council and the people stand upright and listen in silence to their words. And if someone in that profound silence jumped and shouted, he would suffer capital punishment as if he had shown insolence towards the emperor himself.²⁰

Precisely, texts in the ceremonial form of an edict would have been proclaimed in such grand fashion. And even when this did not occur, the receipt and posting of an imperial edict in a city was a public event: one went to the place where it was published, uncovered one’s head, bowed or even threw one’s self to the ground, and read the documents “in awe, fear, trembling, and trepidation.”²¹

Legal texts thus offered Valentinian and Valens in 364–365 a means of communication that promised to have great effect on the population. This must have been the principal reason behind the veterans edict of 364, if neither legal necessity nor tradition called for it. The new emperors seized upon the discharge of Julian’s veterans to proclaim their commitment to the well-being of

ongoing (in this context irrelevant) debate as to whether late Roman constitutions became valid only on the date of their publication or whether they were in force from the day of their issue (*datio*), and therefore whether publication was necessary for a law to come into force; recent contributions on this problem include Sirks 2007, 116–119; Puliatti 2008; Kreuzsaler 2009; Kaiser 2010.

18 Sources for publication in bronze, the most frequent material, are collected in Kreuzsaler 2009, 234–243 (to which add AE 1984, 250). *Cod. Theod.* 11.27.1 (315) mentions a range of publication materials: *Aereis tabulis vel cerussatis aut linteis mappis scripta per omnes civitates Italiae proponatur lex . . .*

19 For publication orders in *celeberrimis locis* and similar, see, e.g., *Cod. Theod.* 11.5.3, 16.5.37; the quotation is from AE 1984, 250. For the location of such texts in urban topography on an archaeological basis, see Feissel 1999.

20 *Homilia in Matthaeum* 19.9 (PG 57, 285); cf. *Homilia in cap. II Geneseos* 14.2 (PG 53, 112). Translation adapted from Ando 2000, 181.

21 Sources in Ando 2000, 101–108; the quotation here is from two Midrash passages in Liebermann 1944, 7–9. Cf., e.g., Auson. *Grat. act.* 10.50.

soldiers throughout the empire, a commitment that the text raises to a personal duty with the “promise” (*pollicemur*) of tax concessions. By this means, and by the honorific gesture that the edict signified—the *merita* of the soldiers are explicitly emphasized—the new emperors sought to secure the allegiance of a group of men on whose loyalty everything depended, especially in the first months of their rule. The efforts of the new imperial house to court the soldiery are well attested: Ammianus has Valentinian deliver a speech in thanks to the soldiers following his acclamation, in which he seeks to win their loyalty by presenting himself as one of their own and promising them their dues (*debita*), that is, donatives.²² Other sources attest similar efforts to appease the soldiers with the promise of donatives during these months.²³ Finally, interpretation of Valentinian’s veterans edict as propaganda is consistent with the only other similar case preserved in the Theodosian Code, an edict of 325.²⁴ On that occasion, Constantine seems to have published the discharge of the veterans so extensively in order to honor the army that had brought him victory over Licinius and to ensure its loyalty at a moment when his position as emperor in the East and as the first sole ruler of the empire in more than a generation (since 285) had yet to consolidate.

But the veterans edict of 364 also had another, more specific target. After stating general privileges, the edict stipulates the amount of starting capital available to the veterans. The text first specifies the normal amount, then that of soldiers who had served as *protectores*; these are to receive twice as many animals and twice as much seed. This clause is noteworthy. Such detailed provisions for one particular unit seem remarkable in an edict addressed to veterans of all divisions of the army. How are we to explain this? Shortly before the veterans edict was issued, the *protectores*—in particular the *protectores domesticici*—were the subject of a letter of Valentinian’s to their commander. In this letter, the emperor concedes that “the sons and close kinsmen of the *domestici*, even if they are young and below the age of puberty, [should] be attached to the corps of the *domestici* on the condition that they not only be enrolled in

22 Amm. Marc. 26.2.6–10.

23 Many sources attest the government’s extensive efforts to obtain precious metals for donatives: *Cod. Theod.* 13.1.5 (17/4/364; cf. also *Cod. Iust.* 1.14.1); *Cod. Theod.* 12.3.2 (28/8/364); *Cod. Theod.* 13.1.6 (8/9/364); possibly to be understood in this context Amm. Marc. 26.8.6 and 28.6.12; presentation of the *aurum coronarium*: Lib. Ep. 1184, 1186, 1499, 1505; Amm. Marc. 28.6.7.

24 *Cod. Theod.* 7.20.3 *ad universos veteranos* (13/10/325, Seeck), to which *Cod. Theod.* 7.20.1 (10/4/326, Seeck) refers. Another edict, which may have been issued in the same context but which is more likely only a confirmation of the 325 edict, is to be found in *Cod. Theod.* 7.20.2 (1/3/326, Seeck), being the minutes of a meeting of Constantine with veterans that resulted in an oral confirmation of their existing privileges. All other constitutions included in *Cod. Theod.* 7.20 are letters to officeholders that confirm individual rights of the veterans or rescind abuses in reaction to concrete cases.

the regimental register but also receive subsistence allowances.”²⁵ Again, this is a remarkable ruling. Just two years earlier, Julian had reduced the numbers of the *domestici* and prohibited the delivery of *annona* to the *supernumerarii* of this unit.²⁶ Several years later, Valentinian himself forbade the provision of food to the children of soldiers from state funds, as earlier emperors had also done.²⁷ In the light of this evidence, the privileges accorded the *protectores domestici* in 364 are entirely at odds with ordinary practice and should therefore be seen as an exceptional gesture of favor. The fact that this favor was expressed in so prominent a manner as in the veterans edict of 364 underscores its extraordinary significance.

Why, then, were the *protectores* honored in such an exceptional way? First, there may have been personal reasons behind this display of favor. Valentinian and Valens’ father Gratian had risen through the ranks from common soldier to *protector domesticus* as a reward for outstanding service,²⁸ and Valens himself had also been a member of the unit. Above all, though, Valentinian was indebted to the *protectores* because, according to a plausible hypothesis, the *domestici* and other imperial guards had decisively used their influence to secure his acclamation by the army several months earlier.²⁹ Political reasons for courting the *protectores* were perhaps even more important: the *protectores*, and the *protectores domestici* in particular, were an elite unit in close proximity to the emperor to which highly decorated soldiers were transferred as a reward for outstanding service. The sons of many high-ranking officers, too, were groomed in this cadre for senior military posts.³⁰ Many members of the unit advanced to high or the highest military offices in the course of the fourth century; at least eleven army commanders during the second half of the century had been *domestici*, including many under Valentinian and Valens.³¹ Valentinian’s predecessor, Jovian, had belonged to the *protectores*

25 *Cod. Theod.* 6.24.2 and 3 (19/08/364).

26 *Cod. Theod.* 6.24.1 (362).

27 *Cod. Theod.* 7.1.11 (372). Earlier attestations: *Lib. Or.* 2.39; *Hist. Aug. Gord.* 28.3; *Cod. Theod.* 7.4.17 (but see the copy in *Cod. Iust.* 12.37.10). *Cod. Theod.* 7.5.1, 7.4.28, 7.4.31 mention *annonae* for the *familia* of soldiers, but this may refer to kinsmen as well as to servants or supply units. Jones 1964, vol. 2, 630ff.; Vogler 1979b, 300–304, and others take this as evidence that wives and children of soldiers received *annonae*, but see Mitthof 2001, 236–238.

28 *Amm. Marc.* 30.7.2–3.

29 Lenski, 2000, 502–510. There has been much debate about the identity of the factions fighting over Valentinian’s election: see most recently Raimondi 2001, 61–87; Lenski 2002, 21ff., with further references.

30 Cf. Jones 1964, vol. 2, 636–640; Diesner 1968; Frank 1969, 81–97; Lenski 2000, 502–504.

31 Lenski 2000, 504. A further five had belonged to the *scholae palatinae*, a unit closely associated with the *protectores*. Under Valentinian, Dagalaifus, the former *protector domesticus* and the *scholares* Arinthaeus and Equitius 2 are attested as commanders: PLRE 1 s.v. Jones 1964, vol. 2, 638f. n. 71, gives several examples of *protectores* in other high positions.

domestici before his acclamation, Jovian's father and father-in-law had been their commanders, and the *protectores* were probably also behind his election in the camp in Mesopotamia.³² Members of the unit undertook difficult special missions, such as Masauccio, who in 365 was commissioned to hold Africa for Valentinian against Procopius.³³ In short, if Valentinian and Valens managed to keep the *protectores domestici* on their side, they could rely on the loyalty of a majority of the army commanders and thus ensure the army's acceptance of the new dynasty. The exceptional privileges accorded this unit shortly after the accession of Valentinian and Valens, and the proclamation of some of those privileges in an edict published throughout the empire undoubtedly served this purpose.

To conclude: it comes as no surprise that Valentinian sought to win over the military by honoring them publicly and conferring privileges to their elite officers. The fact that legislation was employed for this purpose, and how it was employed, is nonetheless striking. A routine measure was published in the solemn form of an imperial edict, although this was very unusual, and the edict honored one particular unit in an equally exceptional manner. The most reasonable explanation for these anomalies seems to be the high publicity guaranteed by publication in an edict. The veterans edict of 364 is thus one example (many will follow) of laws issued by the emperors for reasons that had nothing to do with law but everything to do with profiting from the communicative potential of such enactments. First and foremost, law served here as a medium of communication.

DISPLAYING FAVOR II: THE SENATE

Displays of favor in extant legislation also occur for a second group whose loyalty was essential for the survival of the new dynasty: the senate. Senators were at the same time important taxpayers with often enormous landed properties, influential brokers of patronage, and the holders of influential public offices; if discontented, they could easily become a destabilizing power and dangerous for a new and still insecure regime. Valentinian and Valens accordingly played to the senatorial order in a variety of ways. They replaced only few senior officials. Both Valentinian and, initially, Valens were conspicuously reserved in their religious policy and granted senatorial petitions on behalf of pagan cults.³⁴ The city of Rome once more became a focus of imperial attention

32 PLRE 1, Varronianus 1, Lucillianus 3.

33 Amm. Marc. 26.5.14. For the responsibilities of the *protectores*, see Jones 1964, vol. 2, 636f.

34 *Cod. Theod.* 9.16.9; Zos. *Nea hist.* 4.3.2f.; Symm. *Rel.* 3.20 echoes this policy. Cf. also n. 7 *supra* for literature on Valentinian's religious policy.

during their reign. Besides gestures such as these, legislation in 364 and 365 added—and communicated—a series of privileges for the most august order. Some of these laws were rather symbolic in character; some of them, however, conferred substantial material advantages.

Among the very first legislative measures of the new emperors was comprehensive regulation of the liturgies of decurions who wished to be admitted to the senate of Constantinople. The enactment of May 364³⁵ seems to have been occasioned by conflicts between new senators and their former *curiae*, which had arisen in the course of the great expansion of the senate of Constantinople initiated some years earlier in the late 350s.³⁶ According to Valentinian's and Valens' law, a man could become a senator only after he had fulfilled all of his curial duties. This had also previously been the case. But because the *curiae* had continuously lost members to the senate of Constantinople, and lost them permanently because senatorial status was hereditary, a new senator now had to leave one son in his *curia* to take his place. The emperors' readiness, however, to make concessions in the enforcement of this rule is striking. In a subsequent ruling addressed to the vicar of Asia in October 365, Valens declared that a new senator who had not met the qualifications indeed had to perform his curial duties, but he nonetheless would "have the status of senatorial dignity unimpaired."³⁷ The new emperors thus managed to mediate between conflicting interests that had a strong potential to provoke dissatisfaction among the ruling elites in the East: the original enactment on the one hand signaled to them that the new dynasty was sympathetic to the expansion of the new senate, but, on the other hand, it also showed responsibility for the *curiae* that feared being deprived of their most powerful members. At the same time, by readily allowing exceptions in subsequent regulations, the emperors carefully avoided making enemies among the new senators, a group particularly susceptible to discontent if their newly acquired status was questioned.

Another example of the strategies the new imperial house adopted toward senators is provided by a constitution addressed to the urban prefect as president

35 This measure is extant only in a western copy addressed to the prefect of Italy, Africa, and Illyricum (*Cod. Theod.* 12.1.57 [7/5/364]; cf. 12.1.58 [13/5/364]), under whose jurisdiction senators of Constantinople from mainland Greece and the islands fell. Later adjustments and clarifications in eastern laws (*Cod. Theod.* 12.1.69 and 74) show that these regulations also applied to Valens' territory and imply that they were indeed intended primarily for eastern senators.

36 Jones 1964, vol. 1, 132–133; Dagron 1974, 124–135; Heather 1994. Principal sources in *Cod. Theod.* 6.4.11 (357) and 12 (361); *Them. Or.* 34.13. On this subject in relation to the laws of 364, see further Schmidt-Hofner 2008a, 97–101. Significantly, Valens' decree in *Cod. Theod.* 12.1.74, adjusting and clarifying 12.1.57 from 364, applies explicitly to eastern senators co-opted since 360.

37 *Cod. Theod.* 12.1.69 (6/10/365; for the date and addressee, see Schmidt-Hofner 2008b, ad loc.); similarly, if later, *Cod. Theod.* 12.1.74 (371).

of the Roman senate in late 364. There Valentinian confirmed that the property of those condemned to death would not automatically fall to the fiscus but could pass to the heirs of the deceased except in cases of treason. This had long been the law, but Valentinian's ruling is interesting precisely for that reason.³⁸ The constitution almost certainly had resulted from a specific case that had been submitted to the emperor. Significantly, Valentinian did not limit himself to giving a ruling or issuing a rescript *ad personam* and appealing to the law already in force; instead, he formulated his decision in a constitution which, like all legal enactments in the Theodosian Code, claimed validity for all similar instances and for that reason was brought to the attention of the senate—even though it did nothing more than reiterate current practice.³⁹ Comparison here to the concessions made to the eastern senators is instructive: these too were probably the outcome of a decision regarding a specific case. Since this decision created new law that was regarded as having precedential character, it was formulated in a constitution that possessed general validity. There was no such legal urgency, however, in the ruling for the Roman senate concerning the property of those condemned to death, which was merely affirmative in nature. That law undoubtedly was a gesture toward the senate. Once again, legislation served communicative rather than legal ends.

A similar strategy can be observed in a series of laws protecting senatorial property, a matter of considerable importance for a class whose wealth derived largely from landholding. In July 364, Valentinian issued a letter to the praetorian prefect of Italy, Africa, and Illyricum (*Cod. Theod.* 5.15.15) that proved to be the first in a long series of constitutions concerning the tenancy of imperial domains: "The emphyteutic estates which have been leased by former emperors to men of senatorial rank and to other persons on condition that a fixed annual rent from these estates should be paid to the treasury . . . shall be retained by their former tenants without any increase resulting from a public auction [sc. of the tenancy]. The recently decreed auction shall be stopped."⁴⁰ We know from another constitution⁴¹ that the "recently decreed auction" was the outcome of

38 Valentinian's law: *Cod. Theod.* 9.42.6 (25/11/364); for earlier attestations of these regulations, see *Cod. Theod.* 9.42.1, 2 and 4.

39 There is no reason to doubt that the dispositive core of the text is complete. The compilers of the Code were advised to remove superfluous wording from imperial constitutions but were strictly forbidden to suppress anything of legal importance: *Cod. Theod.* 1.1.5 and 6.

40 Tenancies were given to the bidder who offered the highest rent: Simon 1977, 400–401; Schmidt-Hofner 2008a, 252 n. 43.

41 *Cod. Theod.* 5.15.17 concerning a very similar problem refers explicitly to Julian. The reconstruction of circumstances behind the procedure reflected in *Cod. Theod.* 5.15.15, as also in what follows pertaining to *Cod. Theod.* 5.15.17, is complicated and disputed. For an extended discussion with detailed engagement with current research and justification of the present reconstruction, see Schmidt-Hofner 2008a, 232–263. Among the extensive literature, important contributions include

an initiative by Julian who had ordered that the status and income of imperial domains be verified; the result was, we learn here, that many estates that had been let on a long-term basis under so-called emphyteutic leases had been appropriated as private property by their senatorial leaseholders, who had ceased to pay rent. To punish this abuse, Julian ordered that such landholdings were to be repossessed and given to new tenants by public auction. The new emperors in 364, however, thought better of it: in *Cod. Theod.* 5.15.15 they ordered that rent must be paid, but senatorial tenants would not be punished; they would retain tenancy of the lands and not even incur an increase of rent. This amounted to complete amnesty for those senators found guilty of unlawful appropriation. There can be little doubt that such an amnesty answered the prayers of senatorial tenants, who, to judge by the explicit mention of them at the beginning of the text, were those most affected by Julian's initiative. It is easy to understand why Valentinian resolved to reverse Julian's policy: by demonstrating his willingness to compromise, he also signaled that the new imperial house would lend a favorable ear to the wishes of the senators.

More such signals soon followed. Only a few weeks later, in September 364, a solution similar to that in *Cod. Theod.* 5.15.15 was decreed in a case that had also arisen from Julian's initiative concerning tenants on public estates. And a year later, the same solution was confirmed in relation to yet another similar case.⁴² In both instances, the willingness of the new emperors to make concessions is again striking: the tenants were allowed to retain their estates in spite of arrears in rent payments and the appropriation of imperial domains as private property. It seems very likely that these tenants were also senators or at least members of the landholding provincial elite whose loyalty the new emperors wished to gain. And there were more examples of this strategy: a constitution from about the same time⁴³ reiterates the conditions under which imperial estates could be let with *ius perpetuum*, another form of permanent tenancy. Here, too, the confiscation of the estates was explicitly prohibited, and the emperors confirmed that there would be no increase in rents. Both rules were entirely normal to for this form of tenancy. Further, these guarantees were combined with tax privileges: if the leaseholder "should add anything [sc. increase the value of the property] through investment, care and skill . . . he shall not sustain any

Mitteis 1901; Jones 1964, vol. 1, 417–420; Burdeau 1972 and 1973; Simon 1977; Delmaire 1989, 659–674; Bottiglieri 1994; for further references, see Schmidt-Hofner 2008a, 232–263.

⁴² *Cod. Theod.* 5.15.17 (pp. 27/10/364) and 19 (28/07/365); for the dates see Schmidt-Hofner 2008b, ad loc.

⁴³ *Cod. Theod.* 5.13.4, with missing parts and a partially better text in *Cod. Iust.* 11.66.2. The *fasti* of the *comes rerum privatarum* who received this law (Schmidt-Hofner 2008b, ad loc.) indicate an approximate date of 364–369, but parallels with *Cod. Theod.* 5.15. 17 and 19 suggest a date of 364 or 365.

increase in the rent (the *canon*) and the *capitatio* . . .; he shall not be liable to the *collatio auri argente*—and to the *gleba senatus*.” Once again the whole tenor of the law is to assure senators (as the reference to the *collatio glebalis* makes clear) of undisturbed use of the land. Additionally, the emperors accorded substantial new tax privileges to the senators and confirmed existing ones.⁴⁴ One of these privileges was exemption from the *collatio lustralis*, which had only recently, in September 364, been renewed for senators⁴⁵—yet another exceptional favor at a time when the government had rescinded all other immunities to meet its desperate need for precious metal for the donatives to the army.

In addition to those discussed above, many more constitutions from the years 364 and 365 are concerned with tenancy on imperial estates.⁴⁶ In all of these constitutions, the emperors strive to confirm perpetual leaseholders in the possession of imperial estates and to protect them from warranted and unwarranted exactions. It is very probable that many of these decrees targeted senators: all of them were addressed to Italy and North Africa where senators had accumulated extensive landholdings, many of them comprising public land. Further, since public estates were let to the highest bidder, which presumes the possession of considerable capital, senators, as well as the non-senatorial landholding elite in the provinces, were most likely to win these permanent leaseholdings.⁴⁷ Again and again, senatorial and other wealthy tenants of imperial domains were thus assured of the commitment of the new dynasty to their concerns as landholders.

Almost nothing, however, in this entire series of regulations is new; most constitutions merely confirm existing principles or apply them to specific circumstances. This demands an explanation, since all this confirmation of existing law could have been done in a private rescript or in another form of ruling for individual cases. Furthermore, some decisions, namely those overturning

44 Exemption from the *collatio lustralis* is attested already in *Cod. Theod.* 13.1.3 (361, Seeck) and 6 (364); exemption from the *gleba senatus* seems to be new. See Schmidt-Hofner 2008a, 247–253, for a more detailed analysis and further references.

45 *Cod. Theod.* 13.1.6, referring to *strenui domini*, most probably senators, since the privilege is attested only for them: *Cod. Theod.* 13.1.3 and 5.13.4. For the context, see *supra* n. 23.

46 *Cod. Theod.* 5.11.8 and 9 regulate the return of perpetual leases in exceptional circumstances (for the details, cf. Schmidt-Hofner 2008a, 256–260); *Cod. Theod.* 7.7.1 and 2 forbid Italian cities from increasing the rents on agricultural land of the *res privata* on their own initiative, as Julian had already prohibited; *Cod. Theod.* 5.15.16+10.10.9 (cf. Schmidt-Hofner 2008b, *ad loc.*) in September 364 confirmed the old rule (e.g., *Cod. Iust.* 11.62.1 [315], 5.13.1 and 2 [341]), that perpetual leases could not be abolished unilaterally by the state, and forbade *delationes* in this connection (as already *Cod. Theod.* 10.10.7, 8 and 12; cf. Rivière 2002a, 487–494); similarly *Cod. Iust.* 11.62.3.

47 See Jones 1964, vol. 1, 415f. for the geography of imperial domains, and 420 for the status of lessees (not all of them senators); Simon 1977, 397–400 and many occurrences in *Cod. Theod.* 5.15 and *Cod. Iust.* 11.62 for the auctions (*licitationes*).

Julian's measures (*Cod. Theod.* 5.15.15 and 17), are so absurdly detailed and complicated that they could hardly have applied to any other case than that for which they were devised. Yet all these cases were generalized, and even though they were not edicts but letters, they were, as we saw earlier, similarly published as general law throughout the empire or their recipients' area of jurisdiction. And there was still more such "ornamental" legislation on matters affecting the landholding elite: in one of their earliest laws, for example, Valentinian and Valens simply confirm the importance of appointing *defensores senatus* in every province, an office created three years earlier by Constantius II "to resist any demand which is made from senators against custom and justice or beyond the appropriate measure of payments."⁴⁸ The explanation is that in this entire series of laws it is not their legal substance that was important, but rather the message they conveyed to the senatorial aristocracy. We encounter here a phenomenon one might call "ostentatious legislation": whether or not their legal relevance warranted it, as many rulings as possible were generalized, thus ensuring that their messages reached a wide audience among the ruling classes.⁴⁹ Again and again, law was thus used as a medium to communicate imperial benevolence toward the governing senatorial and provincial elites in an effort to secure their loyalty to the new ruling dynasty. As the following sections illustrate, the same strategy can be observed in other areas of law.

STAGING AUTHORITY

At some time late in 364, a complaint from a province of the prefecture of *Oriens* reached the emperor Valens because heralds who had announced the consuls for 365 (or 364?) had demanded more than the usual *sportulae* from the population, a sort of fee for government services. Valens replied on December 16, 364, in a routine letter to the responsible *vicarius* that in future such demands would not be tolerated.⁵⁰ With this letter, as with so many other complaints against corrupt officials, the case normally would have been closed. Scarcely one month later, however, on January 11, 365, an imperial edict was issued in

⁴⁸ *Cod. Theod.* 1.28.2 (6/5/364); the quotation is from Constantius' law, *Cod. Theod.* 1.28.1. Cf. Caputo 2008 for detailed analysis, contextualization, and further references.

⁴⁹ It is significant that one of the highly specialized constitutions on tenancy (*Cod. Theod.* 5.15.17 from October 364) was published in Rome but addressed to the prefect of Italy, Africa, and Illyricum, who resided not there but in Sirmium or at court in Milan, as is attested in *Cod. Theod.* 8.11.3, *missa a ppo Mediolano* (12/2/365, SeECK).

⁵⁰ *Cod. Theod.* 8.11.1, issued on 16/12/364 in Constantinople to Eugrammius, an otherwise unknown official, probably a vicar as he received instructions for penalties of governors and their staffs in case they should tolerate such malpractices (the praetorian prefecture of *Oriens* was held by someone else at this time).

Milan, and probably also in Constantinople, that proclaimed to the entire population of the empire that excessive *sportulae* for heralds were prohibited.⁵¹ Linguistic parallels between the two texts leave no doubt that the edict had the letter of Valens as its base. Why was it thought necessary to make this problem the subject of an imperial law in the ceremonial form of an edict? It cannot have been a question of the importance of the problem: such *sportulae* for heralds were common, just as excessive demands were repeatedly forbidden.⁵² The punishment for offenses against the edict also sounds very moderate.⁵³ Why such a trivial matter generated such a response seems once more to lie less with the substance of the law than with its symbolic value: the new emperors promoted themselves as energetic protectors of the people against the presumption of officials. This was a regular theme in the propaganda of late Roman rulers; with little effort or expense, the new emperors could demonstrate princely virtues such as justice and compassion for the people, as well as authority over the state apparatus, which in reality was perhaps not quite as firmly established as depicted so soon after their accession to the throne. Indeed, alongside the population, the addressees of the edict perhaps included the administrative apparatus itself. An edict to the entire population lent the emperors' message special authority and, as we have seen, far greater publicity. Given its publication at the beginning of 365, it is not inconceivable that the edict was publicly proclaimed in Milan, Constantinople, and elsewhere on the festive occasion of the emperors' assumption of the consulship.

Such demonstrations of imperial authority in legislation were not limited to the example of heralds' fees. In September 364, an edict against anonymous denunciations (*delationes*) was issued to the province of *Byzacena* (*Cod. Theod.* 10.10.9), and the same subject was addressed in two subsequent edicts from February 365 for *Africa proconsularis* (*Cod. Theod.* 10.10.10) and the eastern half of the empire (*Cod. Theod.* 9.34.7). Again, the elaborate publication of such an old and often repeated prohibition is best explained if we assume that Valentinian used his response to a specific case for staging a show of imperial authority in the denunciation of practices that late-antique emperors regularly exploited for propagandistic purposes.⁵⁴ The same rationale presumably

⁵¹ *Cod. Theod.* 8.11.2, beginning *Idem AA. (Impp. Valentinianus et Valens) provincialibus salutem dicunt*. As usual, the edict was accompanied by a letter to the praetorian prefect which set out the details of the edict's enforcement, *Cod. Theod.* 11.1.3 (*missa a ppo 12/2/365*, Seeck), in this case the copy to the *ppo Italiae Africae et Illyrici*.

⁵² Cf. Jones 1964, vol. 2, 580 n. 39 for references.

⁵³ Double the sum exacted for the governor, four times the sum for his staff. *Cod. Theod.* 8.11.1 to Eugrammianus has twenty or forty pounds of gold, respectively, a rather low standard penalty.

⁵⁴ For imperial condemnation of *delationes*, see Spagnuolo Vigorita 1984; Rivière 2002a, 121–138.

explains a curious edict *ad populum* from October 364, according to which “military accountants (*actuarii*) shall issue new requisitions every single or at least every second day; in this way, when the requisitions have been sent in, foodstuff for provender and *annona* shall be brought out (from the storehouses).”⁵⁵ Such minutiae of provisioning the army were normally regulated by official letter, if ever, but almost never in an edict addressed to the entire population of the empire.⁵⁶ That Valentinian nevertheless dealt with the matter in such a way again seems to have served no other purpose than to demonstrate the emperor’s decisive action against bureaucratic corruption.⁵⁷

Not only edicts might communicate such messages. There is, in fact, a long series of decrees from 364 and 365⁵⁸ against administrative corruption to the detriment of the people that seems to have served the same purpose. A brusque letter published in March 365, for example, is typical of legislation on this subject, concluding with the warning: “The severity of this command shall speed forth to the terror of governors and their office staffs, and, if by the connivance of their favoritism or detestable carelessness, a *decurion* should commit any temerarious act, he shall be . . . chastised.”⁵⁹ Valentinian indeed succeeded in winning recognition from contemporaries for his decisive action against such corruption.⁶⁰ The propagandistic exploitation of legislation to this end is particularly evident in a series of decrees against misuse of the *cursus publicus*, the state post and transport system.⁶¹ Ten relevant decrees from a period of eighteen months (May 364 to February 366) survive, a number unequaled throughout the entire fourth and fifth centuries, which all condemn official abuse of the *cursus*:⁶² in Campania, a public official had appropriated draft animals for personal use (*Cod. Theod.* 8.5.24); the same thing had occurred

55 *Cod. Theod.* 7.4.13. An accompanying letter with the same content to the Italian prefects is preserved in *Cod. Theod.* 7.4.11; on the date of both texts, see Schmidt-Hofner 2008b, ad loc. The procedure for distribution is clearly explained by Mitthof 2001, 152–156, although at 179 n. 411 he misunderstands the meaning of *pittacia* in this law. On the *actuarii*, see most recently Cosme 2004, with further literature.

56 Cf. *Cod. Theod.* 7.4–11.

57 Cf. *Cod. Theod.* 7.4.1, 3, 16, 20, 21 etc. as well as the threatened penalties in 7.4.11 and 13.

58 *Cod. Theod.* 1.16.5, 7.4.12, 8.1.9, 8.4.10, 8.15.3, 11.1.9, 11.7.9. Cf. Schmidt-Hofner 2008a, 37–79.

59 *Cod. Theod.* 11.16.11.

60 Cf. e.g. Amm. Marc. 27.9.4, 29.3.3, 4, 6; 31.14.2 among many examples; Malal. *Chron.* 13.31.

61 See in general Kolb 2000; for the *cursus* in Late Antiquity, see also Stoffel 1994 and Di Paola 1999.

62 Three further constitutions concern an administrative reform of liturgies in relation to the *cursus*, the *mancipatus cursus clabularis*: *Cod. Theod.* 8.5.2, 26 and 8.7.9 with Schmidt-Hofner 2008a, 150–153. The ten laws summarized here derive almost entirely from the Italian prefecture, but since they concern different provinces and were addressed to different officeholders, it is unlikely that they all come from one archive; it is, thus, unlikely that this frequency simply reflects a chance of preservation. See the appendix to this chapter for this problem in general.

later elsewhere in southern Italy (*Cod. Theod.* 8.5.22). In Lucania and Bruttium an official had deviated from the prescribed route for personal reasons (*Cod. Theod.* 8.5.25); in the same region, additional demands had been made upon those required to provide transport wagons (*angaria*) (*Cod. Theod.* 8.5.21). In *Pannonia secunda*, someone had used the *cursus* without official permission (*evectio*) (*Cod. Theod.* 8.5.27); the officials of the urban prefect in Rome had to be warned not to issue too many *evectiones* (*Cod. Theod.* 8.5.19); and veterans returning home had purchased post permits with a subsistence allowance (*tractoria*) on the black market and illegally demanded use of facilities at *cursus* stations (*Cod. Theod.* 8.6.1). Existing regulations on the maximum loads for animals and wagons were being ignored (*Cod. Theod.* 8.5.17);⁶³ and similar circumstances provoked the general rule that no more than three guards were permitted to accompany transports of the *sacrae largitiones* (*Cod. Theod.* 8.5.18 and 20).

This list is remarkable because it is hard to see why these cases were not dealt with by internal administrative rescripts to the *relatio* of the competent officials but instead were made the subject of imperial constitutions that were published in the entire area of their recipients' jurisdiction. With the exception of the last, none of these decrees does more than confirm existing law or correct obvious abuses in response to specific cases; for this purpose, as must have been the case in hundreds of other similar instances, an internal rescript (which would not have found its way in the Theodosian Code) would have sufficed. The fact that these cases were published in such a high number is most readily explicable if we conclude that their primary aim was not administrative and legal, but rather communicative: every law published⁶⁴ on this subject demonstrated that the new emperors were prepared to bring their authority to bear for the benefit of the provincials against *fraudes* and *rapinae* in the *cursus publicus*. The subject of this demonstration was not chosen at random. The requisitions for the *cursus publicus* and other state transports that were imposed on the population, especially the provisioning of horses, draft animals, and wagons—that is, the topic of Valentinian's pertinent laws—had always been resented by the people as oppressive, as illustrated by a number of well-known petitions from the Principate asking for relief and complaining against abuses by officials.⁶⁵ That the problem persisted in Late Antiquity is

63 Previous regulations about maximum loads at *Cod. Theod.* 8.5.8 (356, Seeck).

64 One of these constitutions, *Cod. Theod.* 8.5.22, is positively attested as having been published in a city in southern Italy; see Schmidt-Hofner 2008b, ad loc.

65 The evidence is collected in Mitchell 1976, 114–115; Herrmann 1990, 43–49; Kolb 2000, 123–139, with further references.

evident from the long series of relevant constitutions preserved in *Cod. Theod.* 8.5; the constitutions dealing with the overloading or unauthorized use of wagons and animals and the extortion of the liturgists in particular show that little had changed. In a matter as sensitive as this obviously was, imperial decrees against the corruption of officials could be expected to receive much attention from the population. It therefore appears as if every opportunity was taken to communicate how the new emperors were taking decisive action against this archetypal symbol of official abuse. Whether or not these occasions actually merited the issue of a widely disseminated *lex generalis* was of secondary importance.

As *munera patrimonii*, liturgies for the *cursus publicus* were incumbent on the private property of the liturgists. It is reasonable, therefore, to infer that the addressees of this “communications offensive” were principally the propertied provincial elite—land owners, *decurions*, and perhaps also senators.⁶⁶ The same target audience was addressed by another legislative show of authority, the last example to be mentioned here. In autumn 364, the endemic problem of cattle theft and highway robbery in southern Italy, and perhaps specific events of this kind in Campania,⁶⁷ afforded the occasion for a demonstration of imperial authority. In an unprecedented series of laws, the use and possession of horses in southern Italy was limited to senators, *honorati*, imperial officials, veterans, and *decurions*; a subsequent decree extended entitlement to horses also to *suarii* “in the interest of the pork supply of the city of Rome.” Shepherds and other groups whose “class or profession” made them per se “suspect of committing such a crime (as brigandage)” were to be punished as cattle thieves, that is, with the death penalty, if they were encountered on horseback.⁶⁸ One wonders how successful such measures were expected to

66 *Munus patrimonii*: *Dig.* 50.5.11 (Hermog.), 50.4.18 §21 (Arcad. Char.); *Cod. Theod.* 11.16.10. Members of certain professions, such as public servants, veterans, and public teachers of philosophy, were exempt from liturgies for the *cursus* (*Dig.* 50.5–10 §2 [Paulus]; 50.4.18 §24 [Arcad. Char.]). The status of senators is unclear: they were exempted from a number of related *munera*, for example, *hospitium* (*Cod. Theod.* 7.8.3), *munera sordida*, including the provision of extraordinary animals (*paraveredi* and *parangariae*: *Cod. Theod.* 16.10.15 and 8, but only for *maxima culmina dignitatum* and a number of court functions; cf. more generally 12.1.4), and the maintenance of streets (*Cod. Theod.* 15.1.7), but nothing attests immunity from the regular supply of animals and wagons. For discussion, see Eck 1977, 379–381; Kolb 2000, 130–134.

67 The principal law, *Cod. Theod.* 9.30.1, was sent to the prefect of Italy on September 30, 364; almost simultaneously; a more detailed version was sent to the governor of Campania (*Cod. Theod.* 9.30.2+15.15.1 [October 5, 364]). Subsequent decrees are preserved in *Cod. Theod.* 9.30.3 and 4, from 365. Such *adsiduae abactorum rapinae* have a long history in southern Italy: MacMullen 1967, 266–268; Rieß 2001, 58–62, with further references.

68 Quotations in *Cod. Theod.* 9.30.3, the subsequent decree on the *suarii*. Penalties for cattle thieves are specified in *Dig.* 47.14.1–3; *Coll.* 11; *Pauli sent.* 8.5.; cf. Neri 1998, 335–349.

be. Leaving aside other objections, it is noteworthy that veterans, who were explicitly permitted to use horses, themselves had a reputation as *latrones*,⁶⁹ while according to an edict of Trajan, *honestiores* had been extensively involved in cattle theft in the same region.⁷⁰ Yet perhaps this is the wrong question to ask. Surely, such a series of prominent decrees would have attracted considerable attention and permitted the new emperors to demonstrate decisive action against *latrones* (as *Cod. Theod.* 9.30.1 and 2 label them), the notorious “enemies of Roman order.”⁷¹ This should no doubt have pleased particularly the landholding provincial elites and senators of southern Italy, whose economic interests and socially prejudiced views of criminality these laws reflect, and at whose instigation they must have been issued.

THE RESTLESS RULER AND THE CITY OF ROME

There remains the area that drew the largest number of imperial laws in 364 and 365. In scarcely eighteen months, approximately twenty-five constitutions—an amount unsurpassed in Late Antiquity⁷²—concerning the food supply and other provisions for the city of Rome were addressed to the urban prefect or the *praefectus annonae*. The euergetism of the emperors toward the ideological center of the empire, which remained both its largest city and the seat of the old senate, continued to possess great symbolic value for the legitimacy of late Roman emperors. It is therefore unsurprising that one of the earliest measures of the new dynasty for the city consisted in adding to the privileges of the *plebs Romana*. The original edict is no longer extant, but a repetition in autumn 364 gives an impression of how the original measure was advertised: “Considering the convenience of the eternal city,” the new emperors boasted, “We have decreed that the provincials should deliver wine in kind in such a way that there can be no pretext [for demanding a *sportula*] for the issuance of the delivery receipt (*apocha*). And we extended our efforts to further the benefits of the people to the point that a relaxation of the price [by a fourth of the market price, as the following provisions make clear] shall be granted.”⁷³

69 One recent example is *Cod. Theod.* 7.20.7; *Cod. Iust.* 12.46.3 (339, Seeck); for earlier sources, see Shaw 1984, 29.

70 As is apparent from the penalties for Italian *honestiores* in *Dig.* 47.14.3 §3 (as elsewhere: 1 §3).

71 See MacMullen 1963; Shaw 1984; Grünwald 1999, for the social semantics of the term *latro*.

72 Not included in these twenty-five constitutions are laws on legal procedure in the courts of urban magistrates and other administrative regulations that had no direct impact on the *plebs Romana* (for example, *Cod. Theod.* 7.4.10 on *protectores* stationed in Rome, or *Cod. Theod.* 13.5.10, a regulation about *navicularii Africani*). For detailed discussion and literature on the texts analyzed in the following, see Schmidt-Hofner 2008a, 289–326.

73 *Cod. Theod.* 11.2.2 (23/10/364, Seeck). The original edict must have been issued early in April or May of 364 as *Cod. Theod.* 11.2.1 (*pp.* August 12, 364) and 11.1.8 (*dat.* June 13, 364; for the dates of both

Evidently, the new emperors had courted popularity with the population of the capital right at the beginning of their rule by further lowering the (already generously subsidized) price of wine.⁷⁴

However, this remained the only spectacular demonstration of favor to the city of Rome in 364–365; all other constitutions from these years relating to the city are far less remarkable. They regulate organizational details, address abuses or confirm existing law in response to specific cases. Some modify administrative practice, such as responsibility for the supervision and administration of the *annona*, which was redistributed between the offices of the urban prefecture and the prefecture of the *annona*, apparently after rotten grain had been distributed to the people (*Cod. Theod.* 1.6.5 and 11.14.1). Similar problems led to limits on the amount of grain sold by the corpora of the “measurers” (*mensores*) and bargemen (*caudicarii*)—*ne pessimus panis populi romani usibus ministretur* (14.15.1), as the emperors emphasize,⁷⁵ and new regulations were introduced to compensate the burners and transporters of lime used to maintain public buildings in the city (*Cod. Theod.* 14.6.3). Several laws combat abuses that affected the people such as, for example, an order to restore public storehouses that had been appropriated by private individuals (*Cod. Theod.* 15.1.12). Other laws check official corruption in the distribution of subsidized bread to the population,⁷⁶ or in the delivery of wine.⁷⁷

The vast majority of this legislation introduced nothing new but confirmed existing regulations when this seemed necessary. For example, one decree confirms the obvious principle that members of the *corpus* of the *navicularii*, who were responsible for the transportation of grain to Rome, could not assume any office or alienate any property pertaining to the *munus naviculariorum* in order to escape their duties.⁷⁸ Other constitutions confirm the same for members of the *corpus* of the *pistores*, who financed the state bakeries in Rome, doubtless in response to specific cases.⁷⁹ The conviction of one criminal afforded the

texts see Schmidt-Hofner 2008b, ad loc.) seem to relate to it. The meaning of *praesumptio apochandi* is clear from 11.2.1.

74 Cf. Herz 1988, 296–302; Sirks 1991, 391–394; Vera 2005 for *Cod. Theod.* 11.2.2 and the history of state-subsidized wine in the city of Rome.

75 The details of *Cod. Theod.* 14.15.1 have been subject to debate: see Schmidt-Hofner 2008a, 313–314, with further references.

76 *Cod. Theod.* 14.17.2, 3, and 4; for the date of 3 and 4 h.t. (365), see Pergami 1993, 197–198.

77 *Cod. Theod.* 11.8.1, 11.2.1 and 2.

78 *Cod. Theod.* 13.5.11+6.2; other attestations of this long-standing principle include *Cod. Theod.* 13.5.2 (315), 3 (Constantine), 14 (371), 16 (380). For the legal status of the *corpora annonae urbis Romae* in Late Antiquity in general, see Sirks 1991 and De Salvo 1992, with discussion in Schmidt-Hofner 2008a, 290–312.

79 *Cod. Theod.* 14.3.3, 4–6, 8, and 11. The principles underlying these regulations are old (see the preceding footnote), even though it is impossible to trace back the minute regulations in *Cod. Theod.* 14.3.3–6 and 11.

occasion to repeat the old rule that petty criminals could be punished with forced labor in the *pistrinae* for the good of the city population.⁸⁰ The liturgies of the owners of ships on the Tiber were also confirmed by a law.⁸¹ Similar constitutions that merely confirm existing privileges occur in high frequency especially at the beginning of this series of laws concerning the City, between late May and early June 364: the emperor confirms the privileges of the lime burners (*Cod. Theod.* 14.6.2), those of the porters of the *Portus Romanus* (*Cod. Theod.* 14.22), or of the enigmatic *equites Romani* (*Cod. Theod.* 6.37). One of the first texts in this series states baldly: “The privileges through which the provisions of ancient laws or the humanity of previous emperors has fostered the various *corpora* [of the city of Rome], shall be . . . confirmed or, if they have been diminished in any aspect, restored.”⁸²

Previous attempts to account for this abundance of legislation for Rome—to which may be added twenty-five further decrees up to the year 375—assume that these constitutions were a response to a serious crisis in the supply of food to the city.⁸³ Yet, despite the good information about Rome provided by Ammianus, there is no trace of any such crisis in the historical record. Nor can such a crisis be inferred from the subjects addressed in the legislation, which concern disparate and technical details of provisioning the city and generally just confirm current practice. To be sure, some administrative matters were modified in response to specific problems, but these measures do not point to the existence of a crisis.

What then caused more constitutions to be issued within eighteen months during 364–365 than at any other time under the late Roman empire? Legal exigency is evident only in the few cases in which innovations are introduced or existing law is elucidated with respect to a specific case.⁸⁴ In most instances, however, this does not apply. Once again, one suspects that most of the legislation in this period served essentially as propaganda: literally every opportunity seems to have been taken to convey the emperors’ concern for the well-being

80 *Cod. Theod.* 9.40.5–7. For earlier examples of this penalty, see Millar 1984, 143–144.

81 *Cod. Theod.* 14.21.1, requisitioning the ships for *solita obsequia*, in the context of Book 14 presumably for the transport of foodstuffs. Significantly, the only other extant imperial enactment on a related topic is *Nov. Val.* 29 on a *corpus* of *navicularii amnici*, which was not a *lex generalis* but only a *pragmatica sanctio*, i.e., a regulation for a specific case (see Kussmaul 1981).

82 *Cod. Theod.* 14.2.1 (27/5/364, Seeck).

83 E.g., Herz 1988, 243; Sirks 1991, 263–264; Vera 2002, 348–349. The fact that no emperor was accessible for matters arising in the West in the course of 363, and that for the entirety of that year, no decree relating to the city of Rome survives—though there is one from December 9, 362 (*Cod. Theod.* 14.4.3, Seeck)—is not enough to explain such a substantial increase in the number of laws appearing in 364–365.

84 As was, perhaps, the case in *Cod. Theod.* 14.3.4, 6, and 11 (see earlier).

of the city. To this end, as many texts as possible were produced that were to be published in the city or, on occasion, even read publicly.⁸⁵ “The more, the better” seems to have been the rationale, even if the texts were often repetitive and specialized, and even though, to the best of our knowledge, some of these matters—such as the ships on the Tiber or the porters of *Portus*—had never been the subject of imperial legislation before and never would be again. *Cod. Theod.* 14.2.1 is typical: without any known concrete occasion, and as one of the first relevant laws, it confirmed all of the privileges of the *corpora urbis Romae*. If we assume that the compilers of the Code, consistent with their commission, have preserved the dispositive portion of the text in its entirety, then it seems to have possessed only a declaratory function: with all of the force of a published general law, the new emperors tried to win approval by confirming, in advance, all the privileges of the city’s *corpora*.

With this ostentatious legislation, the new rulers thus made a point of demonstrating their concern for the symbolic center of the empire. Even though the urban population was the ostensible addressee of this communications offensive, the all-important target in light of the political situation of 364–365 was undoubtedly the senate. Admittedly, few of these constitutions are directly concerned with the interests of the senate,⁸⁶ although many senators were involved in the public provisioning of the city in some manner by virtue of their public offices or their properties in the Italian and African provinces, which supplied the *annona*.⁸⁷ But above all, the intention of the emperors must have been to signal that they personally identified with the values and traditions of the senatorial elite.

This is borne out by a final observation: more than a third of the decrees concerning Rome were issued between late May and early June 364 in the city of Naissus (Serbian Niš), a crossroads and administrative center on the route Constantinople-Serdica-Sirmium-Aquileia, where Valentinian and Valens stayed for several weeks to divide the army and administration between them.⁸⁸

85 Publication is proven by *proposita* dates for *Cod. Theod.* 14.2.1, 11.2.1, 6.4.18 (for the dates see Schmidt-Hofner 2008b, ad loc.); an *oratio* to the senate is mentioned in 14.6.2.

86 *Cod. Theod.* 1.6.4 requires imperial consent for the erection of honorific statues; 15.1.11 repeats the general policy that magistrates should renovate public buildings rather than to erect new ones (a pastime of late Roman noble families); and 6.4.18 once again introduces measures against senators who try to avoid their *munera* in the sponsoring of games.

87 For the consequences of this involvement, see Weisweiler 2010, 343–373.

88 Their presence in Naissus is attested by constitutions from June 2 to June 26; the first laws about the city of Rome were issued a week earlier in Philippopolis (today Bulgarian Plovdiv) on the road to Naissus: see Schmidt-Hofner 2008b, 587. For the division of army and administration see *Amm. Marc.* 26.5.1. See 1919 and others contend that the concentration of constitutions around June 8, 364, represents fragments of only one single large constitution, but the disparity of their contents seems to disprove this: cf. Schmidt-Hofner 2008b, on *Cod. Theod.* 14.3.4–6.

No related decrees survive from before this time.⁸⁹ In light of the sudden abundance of decrees concerning Rome, it is very likely that either in Naissus or shortly before they arrived there the new emperors received a delegation from the Roman senate commissioned to congratulate them on their elevation and to establish friendly relations. Presumably, during these weeks, in the presence of the embassy from Rome, the emperors demonstratively engaged themselves with the matters of the city submitted to them by the delegates. By deeming the business of the senate worthy of general laws, which were then sent to Rome to be published there, the new rulers made a strong show of favor and concern for the senate and people. It made no difference that most of these measures dealt with trivialities such as the monopoly of the porters in *Portus Romanus*:⁹⁰ the point was to demonstrate action.

We thus encounter here the same phenomenon observed already in areas such as the tenancy of public lands or the misuse of the *cursus publicus*: legislation could be exploited to communicate a message, whether to the entire population or to particular groups. A multitude of largely superfluous decrees—superfluous, that is, in legal terms—conveyed the accessibility, authority, and care of the new rulers, and above all their constant, tireless concern for people and empire.

CONCLUSIONS

I. The examples given (and more could be cited) make a strong case that legislation played an important part in the strategies employed in 364–365 by the new imperial house to encourage acceptance and instill loyalty among the population and its elites at a time when the rule of the new dynasty was still contested. Some legal measures accomplished this by granting real benefits to those whose loyalty was particularly important: the military elite of the *protectores*, the *urban plebs*, and, above all, the landed senatorial aristocracy, whose interests as large landholders the emperors promoted with various concessions. But there was another, less obvious, but quantitatively much more important, way in which legislation served this policy: by making routine matters and everyday decisions the subject of general laws, which often concerned minor matters and/or merely repeated existing law, the new emperors produced texts in high number and frequency that communicated their concern for the needs of

89 With the exception of *Cod. Theod.* 14.6.2, June 8, 364, referring to an imperial *oratio*. This is most likely a reference to a constitution of Jovian or Julian.

90 See now Freu 2009, who argues that the social status of the *saccarii* was rather that of porter-entrepreneurs than of actual workers. The difference is, for our purposes, minimal.

their subjects, displayed favor to individual groups, and made a demonstration of authority.

Such a use of legislation for communicative ends seems to explain the considerable number of imperial constitutions in 364–365 that did nothing more than confirm existing law, such as, for example, the edicts on *delatores*, the regulations for senators condemned to death, the law confirming the importance of *defensores senatus*, and many of the laws pertaining to tenants of imperial domains, to corruption in the public post, or to the city of Rome. Communication similarly seems to have been the true reason for constitutions on issues that were otherwise too detailed, too trivial, or too routine to be enshrined in the type of general law that found its way into the Theodosian Code: for example, the minutiae of individual lease-holding contracts, a ban on excessive *sportulae* for heralds, regulations concerning porters in the harbor of Rome and similar matters in the city, or the routine discharge of veterans. Finally, communication was the likely reason for producing legislation in ostentatiously rich abundance, as with the laws on the provisioning of Rome or against corruption in the *cursus publicus*. An investigation in areas of the legislation of 364–365 not analyzed here, such as, for example, procedural and appellate law, could substantiate these observations further.⁹¹

Again and again, these legal texts thus implicitly (the shortening of the texts in the process of compiling the Code may have suppressed the more explicit passages) conveyed messages such as “the new emperors favor the senate,” “they keep watch over the bureaucracy and fight corruption,” or “they watch tirelessly over the city of Rome.” Such “ostentatious legislation,” as one might call it, cost little but, through its frequency and its reach as widely published texts, achieved a maximum of publicity. Ostentatious legislation thus became an important element in a “communications offensive” to encourage the acceptance of the new regime. This strategy targeted a number of audiences. Some

91 Eighteen (!) constitutions that address legal procedures are extant from these two years; seven of them are concerned with appeals, which would have been a particularly effective subject for demonstrating concern for the people and efforts to prevent obstruction by public officials. Most of these texts merely confirm existing legal practice in response to breaches of it (*Cod. Theod.* 1.16.10; 2.1.4; 9.1.6; 9.3.4; 9.34.8; 11.30.32, 33, 34; 11.32.1; 11.36.15, 16, 18; 12.12.3, 4; certainly in substance, and perhaps also in detail, *Cod. Theod.* 9.2.2), sometimes with explicit reference to earlier laws. In three instances, Valentinian seems to have introduced new law, in one case by allowing a more generous deadline for the resumption of an appeal (*Cod. Theod.* 11.31.1 and 2; cf. Pergami 2000, 177–184, and 149–184 generally on the otherwise repetitive legislation of Valentinian on appeals); he also allowed a supplication to the emperor after judgment by the prefect (*Cod. Iust.* 1.19.5; cf. Pergami 2007, 120–128, for discussion, with further references). These constitutions can readily be interpreted in terms of the communication offensive posited here.

measures—like those on the provisioning of the city of Rome or some of those against official corruption—may have aimed at a demonstration of authority and imperial concern to the population of the city or of the empire in general. But there were also more clearly defined target groups. The veterans edict, for example, showed imperial favor and gratefulness to the soldiery. Traditionally minded senators resident in Rome would have appreciated imperial concern for the Eternal City. The series of laws against corruption as well as that on appeals signaled to the provincial administration that the new emperors would vigorously police the representatives of their power. Yet the most important addressee of this ostentatious legislation seems to have been the landed senatorial and provincial aristocracy: it was this class of large landholders to whom the new emperors made notable fiscal concessions, who would have approved of imperial efforts to regulate the liturgical system of the *cursus publicus* with which they were burdened, and who would have welcomed a ban on riding horses for lower-class people as an appropriate measure to fight brigandage that threatened their rural property. The large number of such laws proves to be a calculated effort on the part of the new imperial house to win over the governing classes of the empire and the provinces. Not least, it was this governing class which—excepting the occasional public proclamation of an edict and similar—would most regularly come into contact with imperial rulings and laws through their public offices, and toward whom the rhetoric of late Roman legislation was geared.

Why was legislation of all things chosen by the new dynasty as a medium for these communicative strategies? One advantage of the type of (general) laws preserved in the Theodosian Code, as has been shown, consisted in the fact that there existed a well-functioning process for publishing them throughout the empire or in their recipients' area of jurisdiction. Imperial pronouncements could thereby reach a broad audience among the population of the empire as well as individual target groups of particular importance—soldiers, senators, the provincial elites—in a reliable way and in the shortest possible time. Furthermore, as texts sometimes of considerable length, such laws allowed for complex messages that could be geared toward diverse audiences. They thus fulfilled a function that was otherwise limited to imperial orations, panegyrics, or other media (including rituals and performative acts) that required immediate contact between emperor and subject, whether at court, in the camp, in the circus at imperial residences, or in similar locations. Legal texts of the type preserved in the Code extended such communication to groups that had no direct contact with the emperor. Particularly when issued with high frequency, these laws offered a highly effective medium of communication: they reached a far larger portion of the population than panegyrics or similar texts,

and they were able to convey both more specific and more complex messages than, for example, coins and other visual mass media.

To be sure, emperors occasionally advertised their achievements or explained their policy to the public in letters that were not legal in character. Examples include Constantine's letter to the eastern provinces on religious toleration in 324 and many more pronouncements on religious matters; Julian also made a point of addressing the public in open letters; and Constantius II is ridiculed by Ammianus for advertising successful campaigns of his generals as his own *per textum longissimum* that was distributed *edictis propositis*.⁹² But there were reasons that emperors chose the medium of legislation rather than other types of texts for communicative ends. The medium of law differed from other forms of imperial communication not only in its authoritative tone but also because it bound the emperor himself:⁹³ an imperial edict against corrupt heralds or *actuarii* gave the implicit message much greater weight than praise for such actions in a panegyric.⁹⁴ An edict that confirmed honors and privileges to veterans lent much more credibility to the obligation of the new emperors to the army than coins bearing the legend VIRTUS EXERCITVS,⁹⁵ the notorious promise of donatives, or an occasional speech by the emperor to an assembly of soldiers. And concessions in the matter of tenancy of public lands, or practical engagement to the benefit of the city of Rome, illustrated far more eloquently the *concordia* between the emperor and the senate than similar claims in, say, Symmachus' first panegyric. In short, as "law," such imperial messages had a binding character that other kinds of imperial pronouncement or and panegyric did not have, and thus they lent far greater credibility to the commitment of the rulers to the promises and principles of government that they communicated. Together with its physical reach and its ability to convey complex and specific messages, it was thus the binding nature of the medium of law and the belief in

92 Constantine: Euseb. *Vit. Const.* 2.48–60 (letter to the eastern provinces); cf., e.g., his dismissal of the council of Arles 314 (Optat. *App. V*) or his letters on the Council of Nicaea (Opitz 1935, no. 25, 27). Julian: Letter to the Athenians; *Ep.* 21 to the Alexandrians (with publication order); perhaps *Ep.* 28 (if it was published), and many other pamphlets of his. Constantius II: Amm. Marc. 16.12.69. Cf. the famous and seemingly late-antique anecdote about the death of the jurist Papinian: he was allegedly killed when he refused to write letters for Caracalla to Rome that would justify the murder of Geta (Aur. Vict. *Caes.* 20.33–34; Hist. Aug. *Carac.* 8.1–7).

93 Ando 2000, ch. 4; Meyer 2004, 293, 296 underline the deep confidence in the legitimacy of law among the population of the empire—for no other reason than because it was produced by the emperor.

94 For example, under Valens, Themistius in *Or.* 8.116d, 117a; 10.136a–b.

95 RIC 9, 61 no. 2, 174 nos. 7, 8, 10, 11 (among others), all dated to 364–367. In their early years, Valentinian and Valens' coinage was generally rather unimaginative and limited to a few standard legends (GLORIA ROMANORVM, RESTITVTOR REI PVBLICAE vel sim.) and motifs, without any distinctive message.

its reliability that made legislation so appealing to emperors in desperate need of convincing media for propaganda like Valentinian and Valens in 364–365.

This conclusion may be underpinned by a final observation. It is generally held that the drafting of general laws (i.e., the type of law under discussion here) was entrusted to the *quaestor sacri palatii* first in the early 360s, that is, precisely in the years under discussion. The *quaestor* had risen to prominence in the imperial court in the 350s as a sort of special delegate of the emperors for delicate missions.⁹⁶ If emperors, from the 360s on, charged such personal confidants with the drafting of constitutions, it is legitimate to infer that the composition of legislation had become a matter of the utmost importance in these years. And it was not legal expertise that made a good *quaestor*: “the prime requirement was a sense of style.”⁹⁷ It is tempting, therefore, to link the emergence of the *quaestores sacri palatii* as drafters of imperial laws to the intensive use of legislation as a medium of communication in the first years of the reign of Valentinian I and Valens. That is not to say that legislation had never been used to such ends previously; as stated in the introduction, the calculated exploitation of the ideological effects of legislation is familiar since at least the time of Augustus. Yet, if one bears the history of the *quaestor sacri palatii* in mind, it is possible that the intensity and frequency of such legislation, and perhaps also the manner in which it was used for communicative ends, was an innovation designed to meet the political crisis of 364–365. This impression is borne out, as will be shown in the following section, by the fact that later in the reign of Valentinian I areas formerly untouched by general law appear in his legislation, a change that is, again, best explained by reference to its communicative effect.

II. The communicative aspect of law as apparent in the legislation of 364–365 leads to a second conclusion that has consequences far beyond these two years. As argued, in order to produce the intended effect of their ostentatious legislative activity, Valentinian and Valens produced a large number of general laws for which there was no legal need. Most of the legislation on minor matters and the repetitive laws mentioned above could have been dealt with in internal administrative communications or private rescripts. And that must normally have been the case, since otherwise, at least in some of the areas discussed, much more such routine legislation would have survived. When the emperors chose to settle all these cases in the form of a general law before the public, their

96 Harries 1988, 153–159; Bonfils 1981, esp. 92–103 (no trace of their involvement in legislation earlier). The first QSP who is known certainly to have been occupied with the drafting of law is Fl. Eupraxius (in office 367, and probably since 365, when his predecessor became prefect: PLRE 1 s.v.).

97 Harries 1988, 169.

decision was not made out of legal considerations but for the communicative effects they hoped for. If this holds true, the question arises whether the primarily “communicative character” of many laws in 364–365 was an exception caused by the political and dynastic crisis after Julian’s death, or whether it was a common feature of late Roman legislation. To put it in another way, can we infer from the example of 364–365 that many regulations preserved in the Theodosian and Justinianic Codes that we tend to regard as standard, everyday administrative legislation, were first and foremost designed to function as a kind of imperial propaganda? A number of observations in fact supports such a conclusion.

To begin with some parallels: it has recently been shown, for example, how Constantine used legislation on corruption, procedure, appeals, and other standard administrative and legal matters on a large scale to communicate imperial virtues and advertise his rule.⁹⁸ A later case in point is Theodosius I, whose intense legislation in 380 and generally in his early years (including the laws vaunting his orthodox piety) has been interpreted in a similar way;⁹⁹ the same emperor’s relatively prolific legislation in 393, when Eugenius’ usurpation reached its apogee, may be another such case.¹⁰⁰ And it has always been acknowledged that Justinian’s massive legislation on even the most trivial aspects of law and administration in the Code and in the *Novellae*, particularly in the 530s, had a symbolic and ideological purpose in demonstrating his conception of imperial rule, his program of restoration, and the prosperity of his age.¹⁰¹ These and more examples support the notion that the primary purpose of much seemingly standard administrative legislation was propaganda rather than law.

But there is more to support this claim. To begin with, there are entire areas of legislation in which it can be positively proven that the communicative intentions of law-making prevailed over legal necessity. A case in point that I discussed in greater detail elsewhere is legislation on rank and precedence among the high dignitaries of the empire.¹⁰² From the 370s onward—again under Valentinian I—this subject attracted considerable attention, although it had never previously appeared in general laws as collected in the Code; around eighty laws in a span of fifty years are dedicated to the subject. Yet none of these texts gives what could be described as a systematic overview of the rules

98 Dillon 2012.

99 See most recently Leppin 2003, 66ff; McLynn 2010, 227.

100 Using Seeck 1919, I count forty-six constitutions of Theodosius in 393.

101 See, most recently, Meier 2003a, 103–114, and Leppin 2011, 110–121 and 170–181.

102 The following is a summary of Schmidt-Hofner 2010.

of precedence they are dealing with; quite to the contrary, they cover a fairly erratic selection of cases about often very minor conflicts of precedence.

On the other hand, we positively know that there existed systematic accounts of the hierarchical order and the rules of precedence in the form of *latercula* and protocol regulations (*ordines salutationes*) on all levels that must have been equally binding in matters of rank and precedence. The discrepancy between this evidence and the relevant legislation cannot be explained by assuming that all this had once been covered in general laws that were subsequently lost. There must be another reason for the erratic character of the legislation on this topic. The only conceivable way to explain the phenomenon is the primarily communicative function of these laws on rank and precedence. In the hands of the emperors, such laws were a useful tool to assert control over elites and to secure their loyalty: every promotion in rank or favorable decision in a conflict over precedence that was communicated through these normative texts assured varying groups among the elites of imperial favor and obligated them to their imperial benefactor. The medium of law conveyed the reliability of such benefactions, strengthened the bonds of loyalty on the elites, and ensured that all this became known to all members of the elite throughout the empire. Such communicative purposes were not hindered by the unsystematic, erratic character of these constitutions; on the contrary, their peculiar character permitted the repetition of these messages with every new conflict over precedence or rank. From a legal perspective, however, these texts were of secondary importance; most of the undoubtedly countless conflicts over precedence must have been dealt with in individual rescripts, while the general rules and hierarchy were laid down in broad protocol regulations.

Other evidence might also be significant in the light of these considerations. The repetitive character of many laws, which also characterizes the legislation of 364–365, is a common phenomenon over time and across many fields of late Roman legislation. The traditional interpretation is to assume that the endless repetition reflects the inability of the government to enforce the law. In many cases this might be true. However, if we take into account that the repetition of long-standing principles in 364–365 was part of a communicative strategy, the notorious repetitiveness of late Roman legislation might, in many cases, be studied more profitably by asking what messages were sent in these seemingly repetitive measures and to whom they were addressed. This is not to say that such repetitive measures were not considered or intended to be legally binding rulings, or “law.” Nor was this the case with examples mentioned from 364–365 or with the constitutions on rank and precedence. All these constitutions could be cited in court and guided the administration. Yet their primary

purpose was not legal or administrative but communicative. And the binding force of law was itself a constitutive element of their communicative strategy. I am also far from suggesting that the entire legislation assembled in the Codes had no other purpose than propaganda. Already in 364, for example, Valentinian launched a series of major administrative reforms, which is well documented in the legislation and cannot be attributed to merely propagandistic aims.¹⁰³ The same is true for a sample of laws on taxation and recruiting that undoubtedly addressed and reflected practical concerns and needs of the government in 364/365.¹⁰⁴ Last, it must be said that “communication through legislation” does not necessarily mean the same thing as propaganda: arousing fear, for example, was certainly a common motivation of boastful legislation; confessing faith, as in much of the legislation on religious matters, was another; justifying imperial policy, a third; and one can think of many more.¹⁰⁵ What the example of 364–365 suggests, however, is that we need to be aware that a considerable portion of the texts assembled in the late Roman law codes should be understood, first and foremost, as communicative acts of the imperial government, which used the medium of law to disseminate specific messages and to lend them greater weight. This conclusion has at least two consequences. It invites further research on the relationship between law and communication in the constitutions of the Theodosian and Justinianic Codes. And it draws our attention to a huge corpus of texts indicative of the communicative strategies that late Roman emperors employed to stabilize their rule—in the fourth century and beyond.

APPENDIX: NOTES ON THE ARCHIVAL TRANSMISSION OF THE LEGISLATION OF 364–365

As mentioned in the introduction, one may doubt the significance of the unusually large number of extant constitutions from 364–365 on the grounds that the legislation of these two years is simply exceptionally well preserved and thus over-represented in comparison to others. The following arguments show that this reasoning is not valid.

103 Reforms in 364–365 include the transfer of municipal tax collection from *decurions* to *officia* and *honorati* (*Cod. Theod.* 12.1.57 and a number of other constitutions); *honorati* were also obliged to perform other liturgies including the *mancipatus cursus clabularis* (see supra n. 62); taxes were allowed to be paid in installments (*Cod. Theod.* 5.15.20, 11.1.15, 11.19.3). See Schmidt-Hofner 2008a, 120–163, including other administrative reforms in the period 364–375.

104 For laws on taxation, see n. 23; recruitment is the topic of *Cod. Theod.* 7.1.5 + 8.4.8 + 12.1.58, 7.1.8, 7.22.7, 7.18.1. Rescinding of Julian’s anti-Christian measures: *Cod. Theod.* 5.13.3, 10.1.8, 12.1.59 + 16.2.17.

105 For the last aspect, see now Schmidt-Hofner (forthcoming).

The assumption that the unusually large number of constitutions from 364–365 is nothing more than a coincidence presupposes that the legal output of these two years had been much better preserved in the archives used by the Theodosian compilers than the legislation of any other year covered by the Theodosian Code. To be sure, there can be no doubt that much legislation has been lost—in some years more, in some less. But the assumption that of 117 years covered by the Theodosian Code just these two—and two of them in succession!—suffered far fewer losses than all others is neither probable in itself nor supported by any evidence. First, there is no good reason why state archives—either central archives at the courts or those of prefects, vicars, or governors¹⁰⁶—should have preserved a higher percentage of general laws from 364–365 than from other years covered by the Theodosian Code. The closer we come to the later fourth and early fifth centuries, when state archives must have been increasingly comprehensive, the more improbable this assumption becomes. Since it is unlikely that legislation from these years should have continuously suffered a higher rate of loss than that of 364–365, probability supports the hypothesis that the peak reflected in the Code represents a real increase in legislative output.

It is, moreover, reasonable to suppose that such an unusually large number of extant laws had not been preserved in just one or two archives, but was collected from a larger number of sources when the Theodosian Code was compiled. In fact, the laws record *proposita*- or *accepta*-dates from eleven places all over the empire¹⁰⁷ which, together with their recipients, implies that the legislation was collected from at least five different archives of magistrates including those of the praetorian prefect of Italy, the urban prefect, and the vicar of Africa. One very probably should add to these at least one archive at court and perhaps further non-central archives. It is, of course, theoretically possible that some of these archives were numerically insignificant. But unless we envisage a completely disproportionate distribution over these (at least six, perhaps more) archives it is difficult to believe that the “coincidence” allegedly responsible for the remarkable number of laws from these two years was operative in the same degree in several archives at the same time. Again, it is therefore difficult to escape the conclusion that the high number of extant laws from 364–365 mirrors the actual scale of legislative activity and is not a multiplication of coincidences.

106 For controversial views on the archives used by the Theodosian compilers, see Matthews 2000, 280–290, and Sirks 2007, 109–141, both summarizing and supplementing their earlier discussion in Harries et al. 1993.

107 Cf. Schmidt-Hofner 2008b, 586–591.

Last, it is theoretically possible that our picture is distorted by non-official archives, that is, the private or family archives of high officials who received laws in 364–365 (archives of lawyers and law schools can be excluded since there is, again, no reason why they should have preserved more laws for 364–365 than for other years, unless this mirrored actual legislative production). However, there are around forty attested recipients of laws in these two years most of whom received only one to four laws; four received around ten laws. Over-represented private collections of these officeholders would hardly amount to a significant percentage of a total of around 160 laws unless we assume an unrealistically high number of them. Only the two officeholders who received more than ten laws could have an impact on our statistics if the copies of (all) the laws they received stemmed from their private collections. Again, however, this is unlikely. The first case is that of Symmachus, *praefectus urbi* until March 365 and recipient of thirty-one constitutions. Although this is a much higher number than for any other late Roman prefect of the city, it is difficult to believe that all of these thirty-one laws came from his family archive. Notably, we have no law addressed to him in any of the other positions he held, and only a modest number of laws spanning the entire career of his homonymous son. From the latter's urban prefecture, only two laws survive, although to judge from his *relationes*, there must have been many more. If the laws had been preserved in a family archive, we would expect a more balanced picture. More probably, Symmachus' laws of 364–365 were found in a central imperial archive or in that of the urban prefect. The astonishing record of thirty-one constitutions in two years, then, indeed reflects an extraordinarily intensive legislative activity pertaining to the city of Rome, the underlying political reasons of which have been discussed above.

The second case is that of Mamertinus, PPO *Italiae* until May 365. He received thirty constitutions, twenty of them in 364. This amounts to almost thirty percent of all extant laws securely dated for that year. At first sight, this seems impressive. However, the same or an even higher number is attested for other prefects (e.g., Petronius Probus in 369, or Messala in 399). The fact that some *praefecti praetorio* received so many laws simply reflects the fact that the Italian prefecture was the largest and most important area of jurisdiction within the empire. There thus is no need to assume that these constitutions derive from a private collection of imperial legislation. Furthermore, at least three of Mamertinus' laws bear a *propositum* somewhere in the empire and therefore can hardly have come from his family archive: *Cod. Theod.* 5.15.17 *pp.* Rome, 12.6.10 *pp.* Rome (Seeck), 15.1.16 *pp.* Senigallia (Seeck). One could only posit another non-official, private archive

that might have preserved the legislation of 364–365 disproportionately well: that of the *quaestor sacri palatii* who drafted these texts (whoever he was). This cannot be excluded, although no comparable case has been noted after the private collection of Diocletianic rescripts by their authors in the Gregorian and Hermogenian Codes. Making allowance for this one exception, there is, however, no compelling reason to suppose that the abundance of laws in 364–365 is due to a disproportionately well-represented private archive and does not indicate an increased output of laws in comparison to other years.

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Emperors and Generals in the Fourth Century

DOUG LEE

ROMAN EMPERORS HAD ALWAYS BEEN CONSCIOUS OF THE POLITICAL power of the military establishment. In his well-known assessment of the secrets of Augustus' success, Tacitus observed that he had "won over the soldiers with gifts,"¹ while Septimius Severus is famously reported to have advised his sons to "be harmonious, enrich the soldiers, and despise the rest."² Since both men had gained power after fiercely contested periods of civil war, it is hardly surprising that they were mindful of the importance of conciliating this particular constituency. Emperors' awareness of this can only have been intensified by the prolonged and repeated incidence of civil war during the mid third century, as well as by emperors themselves increasingly coming from military backgrounds during this period. At the same time, the sheer frequency with which armies were able to make and unmake emperors in the mid third century must have served to reinforce soldiers' sense of their potential to influence the empire's affairs and extract concessions from emperors. The stage was thus set for a fourth century in which the stakes were high in relations between emperors and the military, with a distinct risk that if those relations were not handled judiciously, the empire might fragment, as it almost did in the 260s and 270s.

Just as emperors of earlier centuries had taken care to conciliate the rank and file by various means,³ so too fourth-century emperors deployed a range of measures designed to win and retain the loyalties of the soldiery. These measures included material incentives—above all the regular distribution of donatives and the granting of tax privileges—but also symbolic gestures such as the formal involvement of troops in the proclamation of new emperors and the use of language by emperors in their dealings with troops designed to emphasize their respect for their men and their identification with them.⁴ Many of these

1 Tac. *Ann.* 1.2.

2 Cass. Dio 76.15.2.

3 Campbell 1984; Stäcker 2003.

4 For these various aspects, see Whitby 2004, 179–186; Lee 2007, 51–66.

features can be observed in Ammianus Marcellinus' description of the accession of Valentinian I at Nicaea in February 364:

After the whole army was assembled at dawn, Valentinian appeared on the parade-ground and was allowed to mount the high platform which had been erected. His claims as a man of substance were most cordially received, and he was proclaimed ruler of the empire by a form of popular election. Wearing the imperial robes and a crown, he was hailed as *augustus* with all the applause expected from men's delight at this new development, and made ready to address the audience in a prepared speech . . . : "Gallant defenders of our provinces, it is and will always be my pride and boast that I owe to your courage the rule of the Roman world, a position that I neither desired nor sought but for which you have judged me to be the best qualified. While the empire lacked a ruler, the responsibility was yours. You have discharged it splendidly in the general interest by raising to the summit of power one whom you know by experience has lived from his earliest youth to his present mature age with honour and integrity. . . . You must maintain your discipline and refresh your spirit and strength while your winter rest gives you the opportunity. You shall receive without delay what is due to you for my nomination as emperor [viz., the standard accession donative of five *solidi* and a pound of silver]."⁵

However, it was not just the rank-and-file soldiers whose loyalty emperors actively had to maintain and reinforce: careful attention was also needed with respect to the senior officers of the army. Retaining the loyalty of these men would go a long way toward retaining the loyalty of the troops under their command, while effective leadership was an essential prerequisite for any serious military challenge to an emperor's position. It was therefore also essential for emperors to devise strategies for discouraging ambitious generals from contemplating disloyalty, and it is these strategies that are the subject of this chapter.⁶ Although occasional reference is made to the early decades of the fourth century, the chronological focus is on the latter two thirds of the century, from the final years of Constantine's reign onward. The reasons for

5 Amm. Marc. 26.2.1–3, 6–7, 10 (tr. W. Hamilton, with revisions), with discussion in Lenski 2002, 22 (who short changes fourth-century soldiers, however, in referring to "the usual accession donative of one solidus and a pound of silver"; for the standard amount, see Jones 1964, vol. 2, 624). While Valentinian's speech was no doubt Ammianus' own confection, many elements of its language can be paralleled in official documentation from the period: see Lee 2007, 61–64.

6 Details of the commands and tenures of individual officers referred to in what follows can be found in PLRE or Demandt 1970.

this are twofold: first, the military rank of *magister* provides a natural focal point for discussion of this subject, and this rank, whose creation is credited to Constantine, was probably introduced toward the end of his reign;⁷ second, the source material on military commanders in the early decades of the fourth century is extremely limited, making it very difficult to pursue the avenues of investigation that open up from the late 330s onward.

In tackling the issue of the allegiance of senior army officers, fourth-century emperors faced a number of problems. One was that the two most successful emperors of recent times—Diocletian and Constantine—had shown, through their own routes to imperial power, that disloyalty could pay.⁸ Furthermore, when, in the latter half of the fourth century, there was no obvious blood-related successor to a deceased emperor, it was the officer class of the army that was seen as the natural source of suitable candidates, as illustrated by the cases of Valentinian I, as well as that of Jovian.⁹ This implies an assumption (which no doubt owed much to events in the mid to late third century) that experience of military command was an important criterion in determining suitability for the imperial throne. Unsurprisingly, the prevalence of such an assumption was in turn likely to encourage individuals with experience of military command to wonder whether they might not be better suited to be emperor than the current incumbent—especially if the latter happened not to have so much experience of military command himself.¹⁰ That the threat from senior army officers could be genuine is easily demonstrated by the usurpations of Magnentius in 350 and of Magnus Maximus in 383,¹¹ and that emperors could be concerned

7 Demandt 1970, 562.

8 By no means would all scholars accept that Constantine should be regarded as a usurper (e.g., Barnes 1981, 28), but his elevation in 306 certainly took place without the agreement of the senior Augustus, Galerius; for further discussion, see Humphries 2008.

9 The elevation of Theodosius might also be considered relevant in this respect, although, strictly speaking, a blood-related successor to Valens already existed in the person of Valentinian II (who already officially held emperor status), even if his age (seven years old in 378) ruled him out as a practical option. There is also the question of whether Theodosius was elevated on the initiative of the emperor Gratian, as traditionally assumed, or rather was effectively a quasi-usurper whose elevation by his troops Gratian had little choice but to accept as a *fait accompli*, as argued by Sivan 1996 and McLynn 2005, 90–94. For further discussion of the dynastic principle in the fourth century, see Börm's contribution to this volume.

10 Cf. the report that Magnus Maximus rebelled against Gratian because “he was aggrieved that Theodosius was thought worthy of supreme power, while he himself had not even attained a respectable command” (Zos. *Nea hist.* 4.35.4).

11 For the former, see Drinkwater 2000, for the latter, Matthews 1975, 173–182. Arbogast might be regarded as a further example, but there are some important differences in his case: his revolt in 392 came about only after the unexpected suicide of Valentinian II and Theodosius' uncompromising attitude toward Arbogast's protestations of loyalty (Matthews 1975, 238–239; Croke 1976; Errington 2006, 38–39).

about the intentions of generals is evident not only from the well-known eliminations of Silvanus in 355 and the elder Theodosius in 376,¹² but also from the execution of Barbatio in 359 on suspicion of harboring imperial ambitions, the apparent plan to dispatch Ursicinus in 354 for the same reason until the emperor had a last-minute change of mind, and accusations to the same effect against Arbitio in 356–357.¹³

In endeavoring to minimize the danger from ambitious generals, emperors employed a more varied range of strategies than they did in relation to the rank and file. Whereas the approach adopted toward ordinary soldiers was generally to offer positive incentives of one sort or another, the approach vis-à-vis generals involved incentives, but also tougher-minded measures. This more varied menu of options was perhaps most obviously a reflection of the difference between dealing with large numbers of men and dealing with specific individuals: it was easier to marginalize and target the latter.¹⁴

Although military challenges to emperors in the fourth century did not invariably come from the most senior generals—Magnentius, for example, appears to have held the lesser post of *comes rei militaris* at the time of his usurpation in 350,¹⁵ while Magnus Maximus was probably a *comes* or *dux* in 383¹⁶—it was holders of the pre-eminent rank of *magister* who were understandably the prime focus of imperial concerns.¹⁷ Constantine is credited with creating the post of *magister*,¹⁸ and while its imposing title was no doubt designed to appeal to the *amour-propre* of his senior commanders, he can already be observed putting in place structural arrangements that limited the power of those who held this rank. To be sure, the relevant ancient sources actually present the post's creation as one of the ways in which Constantine sought to reduce the power of the praetorian prefect, but in fact it worked both ways, since Constantine's

12 For the former, see Matthews 1989, 37–38; Drinkwater 1994; Hunt 1999; for the latter, Demandt 1969; Nixon/Rodgers 1994, 453 n. 18; Errington 1996, 443–447.

13 Amm. Marc. 18.3.1–4, 15.2.1–6, 16.6.1; note also 14.11.3 regarding the alleged imperial hopes of Ursicinus' adult sons.

14 Cf. also the apparent reluctance of fourth-century emperors to discharge soldiers or disband units involved in unsuccessful usurpations (although they were sometimes redeployed elsewhere in the empire): Lee 1998, 226; Carrié/Janniard 2000, 323.

15 Zonar. 13.6.

16 For the problematic evidence, with discussion, see Birley 2005, 443–448.

17 Indeed, could it be that Magnentius and Magnus Maximus managed to progress their usurpations further than others because their lesser ranks meant they were underestimated as potential threats? (Perhaps also their lesser rank meant that they had closer ties with officers further down the hierarchy whose role in persuading troops to support a usurper must have been important—a suggestion I owe to John Drinkwater.)

18 Zos. *Nea hist.* 2.33, Lyd. *Mag.* 2.10 (= 3.40). For valuable cautionary observations on these texts, see Brennan 2007.

revised version of the praetorian prefecture exercised supervision over the tax system and therefore over the army's resources.¹⁹

Constantine further limited the power of the *magister* from the outset by dividing the responsibilities of command between two posts—those of *magister equitum* and *magister peditum*.²⁰ In the second half of the fourth century, it was increasingly common for these roles to be combined by individuals holding ranks bearing such titles as *magister utriusque militiae* or *magister militum*, but this was not as worrying a development as might at first appear to be the case: the division of the empire between his three sons after Constantine's death was accompanied by a proliferation of *magistri*, and thereafter there was always a multiplicity of generals with regional responsibilities.²¹ This multiplicity in turn encouraged competition. While there are instances of camaraderie and solidarity between senior army officers in the fourth century,²² it is more common to find rivalry and backstabbing, which could sometimes be to the benefit of the emperor. Arbitio appears to have been particularly active during the 350s in working against the interests of fellow generals:²³ he is said to have been the prime mover in allegations of treason against Ursicinus in the mid-350s; he apparently encouraged the appointment of Silvanus as *magister* in Gaul, hoping that the problems confronting the region in the aftermath of Magnentius' usurpation would overwhelm him; he was instrumental in providing the evidence that secured the conviction and execution of Barbatio in 359; and he was one of the two men assigned the task in 360 of investigating the fall of Amida, whose report placed the blame on Ursicinus and led to the latter's dismissal.²⁴ Initial discussions among senior military officers of a successor to Julian following his death in Persia in 363 resulted in "violent disagreement," with those from the East and the West favoring their own candidate.²⁵ And in the immediate aftermath of Valentinian I's sudden death in 375, Merobaudes arranged for the *comes rei militaris* Sebastianus, who was popular with the troops, to be reassigned to a distant post so as to facilitate a smooth transfer of

19 Jones 1964, vol. 1, 448–462.

20 Cf. Demandt 1970, 560.

21 These developments are charted in detail by Demandt 1970, 562–612, 702–726. This multiplicity did not prevent the *magister* Stilicho from concentrating power in the West in his hands at the very end of the fourth century, but this occurred in circumstances different from those that prevailed throughout most of the fourth century, above all the accession of an underage emperor in the person of Honorius.

22 E.g., Amm. Marc. 15.5.6 (Malarichus and Silvanus), 15.5.27–8 (Silvanus and Ursicinus).

23 Cf. Blockley 1980, 483.

24 Amm. Marc. 15.2.1–5, 15.5.2, 18.3.3, 20.2.2–5.

25 Amm. Marc. 25.5.2.

power to Valentinian's sons—and no doubt also to safeguard his own influence in the new regime.²⁶

If the existence of a multiplicity of *magistri* reduced the risk of military challenges during the fourth century, it clearly did not eliminate it entirely. As further insurance, emperors made use of a variety of rewards designed to encourage the loyalty of generals, ranging from the material to the less tangible benefits of enhanced status and prestige. With regard to material rewards, the first point to note is that a senior military commander in the fourth century had usually gained significant wealth by the end of his career. One form of evidence for this is the occasional comment on individual generals who had a reputation for not being interested in material gain, with the implication that this was the exception to the rule. Sebastianus was “an object of wonderment because of his lack of greed;” Arbogast is described as someone who “waged an endless war on corruption,” whose “wealth was no more than that of a common soldier;” Promotus was “a man superior to bribes”; and Stilicho was praised for not having used his office to enrich himself.²⁷ Another form of evidence for the wealth of generals comprises comments, either general or specific, about the material resources of individuals. Sabinianus is said to have been *bene nummatus* (“well moneyed”), Timasius enjoyed “abundant wealth,” and Abundantius’ property was sufficiently substantial to make him a target of the eunuch Eutropius.²⁸ Gratian senior and Theodosius owned estates in the Balkans and Spain, respectively;²⁹ Victor, Saturninus, and Promotus owned property in Constantinople; Ursicinus and Ellebichus in Antioch; and Hermogenes in both Constantinople and Tyre; while Jovinus had the resources to build a church in Reims.³⁰ Perhaps the most telling instances, however, are Gratian the elder and Arbitio, since both are explicitly attested as coming from humble origins and yet acquired property and wealth during their careers.³¹

26 Amm. Marc. 30.10.3.

27 Eunap. fr. 44.3, 58.1; Zos. *Nea hist.* 4.51.3, 5.34.6. Eunap. fr. 62.2 gives a less flattering report of Stilicho's attitude to wealth, but for present purposes, it is the assumption underlying Zosimus' comment that is significant (Zosimus' more favorable view of Stilicho toward the end of Book 5 of his history reflects his change of source, from Eunapius to Olympiodorus: Matthews 1970, 81–82).

28 Amm. Marc. 18.5.5, Eunap. fr. 65.3; Zos. *Nea hist.* 5.10.5.

29 Amm. Marc. 30.7.3, *Pan. lat.* 2(12).9.1.

30 *Vit. Isaacii* 4.14; Zos. *Nea hist.* 5.3.5; Chrys. *Ep.* 207; Amm. Marc. 18.4.3; Lib. *Ep.* 868, Socr. *Hist. eccl.* 2.13; Lib. *Ep.* 828; CIL 13.3256.

31 Amm. Marc. 30.7.2–3 (for Gratian senior's humble origins and property); Amm. Marc. 15.2.4 (for Arbitio starting as a common soldier); 26.8.13 (for his house being “full of priceless treasures”). By contrast, the estates of the general Gildo, which were so large that, following their confiscation in 399, they required supervision by a specially created official (the *comes Gildoniaci patrimonii*: *Not. Dig.* [occ.] 12.5), were presumably inherited by Gildo from his father, King Nubel of Mauretania.

The next question, then, is how the generals acquired this wealth. Various sources can be suggested. The regular salary of generals is not known, but as noted by Alexander Demandt, the leading scholar on the office of *magister*, the eagerness of barbarian leaders such as Alaric and Attila to extract such positions from the empire in the fifth century implies that the salary was substantial.³² One might also have expected campaign booty to have been a valuable source of income, although explicit evidence to that effect is limited.³³ Corrupt practices were clearly another possible means of enrichment, as implied by some of the earlier comments about individuals who were credited with resisting such temptations; one of those comments includes reference to the specific practices of selling military office and embezzling soldiers' allowances.³⁴ Alongside these different potential income streams, however, there was also the possibility of gifts from the emperor. The best example comes from 414—a little later than the chronological parameters of this volume, but fascinating in detail:

Constantius [*magister utriusque militiae* in the West], having earlier been named consul designate, entered his consulship at Ravenna. . . . Enough gold to cover the costs of the consulship was found amongst the estate of Heraclian (who had been killed while attempting usurpation), although not as much was found as expected. For a little less than two thousand pounds of gold were found, and his land and buildings came to two thousand pounds of gold. All of this estate Constantius received from Honorius in response to a single request.³⁵

This case was part of a longer-term pattern, as is evident from further, albeit less detailed, examples from the fourth century. The property that Hermogenes owned in Tyre was the gift of an unspecified emperor;³⁶ Barbatio acquired some of Silvanus' property after his death, presumed to have been a gift from the emperor Constantius;³⁷ in a similar manner, Arbitio was a recipient of some of the property of those denounced to Constantius;³⁸ and Eusebius' property was exempt from taxation, which implies some sort of special imperial

32 Demandt 1980, 630–631. Cf. also Zos. *Nea hist.* 5.10.1, concerning an individual given “a military command [of an unspecified nature] which brought him a pleasing income.”

33 Arbazacius is said to have gained much booty from an Isaurian campaign in 404, after which he lapsed into a life of luxurious living (Zos. *Nea hist.* 5.25.2–4).

34 Zos. *Nea hist.* 5.34.6. Cf. also the accusation brought against Ursicinus of having misappropriated funds from the Gallic treasury in 355 (Amm. Marc. 15.5.36).

35 Olympiod. *fr.* 23 (tr. R. C. Blockley).

36 Lib. *Ep.* 828.

37 Amm. Marc. 18.3.2 with Demandt 1980, 631 n.107.

38 Amm. Marc. 16.8.11–13.

dispensation.³⁹ It would be very surprising if these were the only instances of emperors deploying material rewards in their relations with their generals during the fourth century, and if more of the evident wealth of fourth-century generals did not derive from imperial largesse.

Turning to status-related rewards, these took a variety of forms. First, there was the matter of formal rank. A major development during the fourth century was the extension of senatorial status—that of *clarissimus*—to incorporate the holders of senior imperial posts.⁴⁰ This benefited leading civilian bureaucrats such as praetorian prefects, but it also included military *magistri*. Less certain is how early in the fourth century *magistri* acquired senatorial status. Constantine himself may have granted it, but the evidence is open to debate. A number of sources comment in passing on Constantine's general generosity with senatorial status,⁴¹ but there is only one that offers the possibility of a more specific link to the military—namely, Ammianus' report of the claim that Constantine granted consular office to barbarians.⁴² Consular office presupposes senatorial status, and the only conceivable way that barbarians could have achieved consular office was through holding high military command. This is a plausible deduction, but it faces two related objections: on the one hand, no obviously non-Roman name appears in the consular *fasti* from Constantine's reign, and on the other, the claim is from the mouth of a hostile witness—Julian—in a highly charged context—a letter to the Roman senate during his civil war against Constantius. In fact, neither objection is decisive. First, the absence of obvious non-Roman names is inconclusive since it is clear that some barbarians in Roman service adopted Romanized names,⁴³ and no individual *magister* from Constantine's reign has yet been identified with certainty.⁴⁴ Second, Julian is unlikely to have made such a claim when the holders of consular office will have been well known and the claim could easily be disproved; moreover Ammianus does not question the veracity of Julian's

39 *Cod. Theod.* 11.1.1 (360).

40 Heather 1998, 184–197.

41 *Pan. lat.* 4(10).35.2; Euseb. *Vit. Const.* 4.1.

42 *Amm. Marc.* 21.10.8.

43 E.g., one would never guess from their names that Bonitus or Silvanus were Franks by origin (*Amm. Marc.* 15.5.33).

44 This is less surprising if, as already noted, the office of *magister* was created only toward the end of Constantine's reign (Demandt 1970, 562). The possibility that Virius Nepotianus, consul in 336, might have been a general of some sort has been raised, but the basis of the suggestion—a fifth-century hagiographical text—leaves ample scope for uncertainty (Barnes 1982, 108, is more cautious than Barnes 1974, 226).

claim, only his judgment in raising the matter. Nonetheless, an element of uncertainty remains.⁴⁵

Matters are clearer for the reign of Constantine's son, Constantius II, since there are definite examples of a *magister* holding the consulship, in the persons of Sallustius (344), Eusebius (347), and Arbitio (355).⁴⁶ Moreover, Constantius is praised by Ammianus for not allowing any *dux* to achieve *clarissimus* status;⁴⁷ since *dux* was a rank subordinate to that of *magister*, one would have expected explicit mention of *magistri* as well if they had not already achieved the clarissimate. Matters are even clearer by the joint reigns of Valentinian I and Valens when one law of 372 is explicit about *magistri equitum ac peditum* holding the same status (*dignitas*) as the most senior civilian posts, those of praetorian prefect and prefect of the city, while another law from the same year grants *comites rei militaris*—the rank immediately below *magister*—the “highest status.”⁴⁸ From around the end of the fourth century, the *Notitia Dignitatum*, an administrative document whose title implies its concern with order of precedence, confirms the status of the military *magistri*, where they appear immediately after the praetorian prefects and city prefects, and ahead of all other senior civilian officials.

One further, related development warrants brief comment. With the expansion in the numbers holding the status of *clarissimus* over the course of the fourth century, it is unsurprising that there was pressure from those of higher rank to create additional grades of status above the clarissimate. The result was the gradual establishment, by the end of the fourth century, of the higher grades of *illustris* and *spectabilis*, with military *magistri* being categorized in the first of these, and *comites rei militaris* and *duces* in the second.⁴⁹

45 The subject of barbarians as generals in the fourth-century Roman army prompts one to wonder whether emperors saw such appointments as carrying the additional political advantage that such men's ethnic origin usually precluded them from aspiring to imperial office. The case of Silvanus is potentially problematic for this suggestion, although his case is full of problematic elements (see further below, n. 54); perhaps his status as a second-generation incomer meant his Frankish origin was not seen as a handicap in this respect (cf. the advice Silvanus received, when contemplating flight across the Rhine, that the Franks would not shelter him (Amm. Marc. 15.5.15–16), implying that they did not recognize him as one of their own).

46 PLRE 1, 94–5, 307–8, 798.

47 Amm. Marc. 21.16.2. Although Ammianus often uses terminology in a non-technical sense, *dux* here must be a specific reference to that particular rank (cf. Szidat 1977–1996, vol. 3, 197). Banaji 2007, 50–51 notes a number of cases from late in Constantius' reign where *duces* had in fact been promoted to the clarissimate.

48 *Cod. Theod.* 6.7.1, 6.14.1 (372); since these bear exactly the same date and place of issue, they must in fact have been extracts from a single law (cf. Jones 1964, vol. 1, 142f., vol. 3, 26 n. 13; Matthews 2000, 221–223).

49 Jones 1964, vol. 2, 528.

The prime mover behind the legislation of 372 noted earlier must have been Valentinian, rather than his brother Valens, since it was issued at Nasonacum (Nassogne), in the Ardennes to the west of Trier, and a concern on his part to clarify the status of military officeholders is understandable. Valentinian was himself a military man and so was well attuned to the sensitivities of the officer class. More important, however, was the unease he must have felt about the legitimacy of his own claim to the imperial throne. To be sure, his accession was the result of consensus among the military and civilian elite and had been formally approved by the army, but his lack of any dynastic link to the Constantinian family must have left him conscious of his vulnerability to challenge. That consciousness can only have been reinforced by the attempt of Procopius to overthrow Valens in the East, soon after his accession—an attempt in which Procopius’ appeals to his links to the Constantinian dynasty featured prominently.⁵⁰ Although Procopius had not followed a military career path,⁵¹ Valentinian’s measures to affirm the high status of generals surely reflect his particular concern to maintain the loyalty of this important constituency in which he had his roots.

A second and more specific form of status-related reward that contributed toward the same end was the grant of a consulship. Although the consulship had long ceased to carry any powers of the sort that had distinguished it during the Republic, it remained an office of enormous prestige—because of its long history, predating the advent of emperors; because the names of the holders provided the official dating formula for the year in which they held office;⁵² and because of its continuing exclusivity: “The key to the enduring status of the ordinary consulate at the very top of the pyramid lay in its restriction (amazingly enough never extended) to two per calendar year.”⁵³ Its granting was therefore a clear indication of imperial favor and honor, its significance enhanced by the fact that the traditional mode of honoring military achievement during the Republic—the formal triumph—had long been the exclusive preserve of emperors. Fourth-century generals regarded it as an appropriate reward and could become disgruntled if overlooked when they believed they had earned it;

⁵⁰ Lenski 2002, 68–115.

⁵¹ Julian did give him joint responsibility for the reserve army during the Persian invasion of 363, but his background was in the civilian bureaucracy: *Amm. Marc.* 26.6.1–2; cf. Lenski 2002, 83 (“Procopius had never been a military man until Julian’s reign . . . [and] his lack of backing from the military brass always proved an impediment”).

⁵² Cf. *Them. Or.* 16.203c–d: “The greatest of all human honours is the consulship by which time itself is measured, and without which it would pass without name or division like an unstamped coin”; see also *Lib. Or.* 12.10.

⁵³ Bagnall et al. 1987, 6.

this belief finds explicit confirmation in Ammianus' presentation of the *magister* Silvanus' conversations with his fellow general Ursicinus in 355: "Silvanus was aggrieved because, while others had been advanced to the consulship and high dignities beyond their deserts, he and Ursicinus alone, after careers of great and continuous toil on behalf of the state, had been treated with such contempt. . . . This was his constant theme both privately and in public."⁵⁴

As already noted, Constantine is presented by one source as having been the first emperor to promote barbarians to the consulship; if this claim is true, then those individuals can only have been prominent generals. However, it is not until the reigns of his sons that specific individuals can be identified. The three appointed by Constantius II have already been noted—Sallustius and Eusebius, *magistri* in the East during the 340s when Constans ruled the West, and then Arbitio, *magister equitum* for most of the 350s and consul in 355 when Constantius was sole ruler of the empire. To these can be added Flavius Salia, consul in 348 and *magister equitum* in the West, who must therefore have been granted the honor by Constans,⁵⁵ and perhaps also Flavius Bonosus, consul during the first four months of 344.⁵⁶ It has also been suggested that both consuls in 338—Flavius Ursus and Flavius Polemius—were generals (possibly being rewarded for playing a part in the massacre of Constantine's relatives in 337, which ensured that the imperial throne passed to Constantine's three sons alone, and to no one else).⁵⁷ The last member of the Constantinian dynasty, Julian, appointed the *magister equitum*, Nevitta, to the consulship in 362—a move that prompted Ammianus' criticism of Julian for hypocrisy in

54 Amm. Marc. 15.5.28 (tr. W. Hamilton, with revisions). For the difficulties that Ammianus' account of this whole episode presents, see Drinkwater 1994; Hunt 1999, with further discussion below; these difficulties do not, however, detract from the relevance or value of the complaints attributed to Silvanus.

55 PLRE 1, 796, with Bagnall et al. 1987, 13–14 on the specific issue of Constans' part in consular nominations during the 340s.

56 The case of Bonosus has puzzled scholars because of his apparent replacement as consul by another general, Sallustius, after four months, without clear evidence that he had been disgraced (Bagnall et al. 1987, 222). Salway 2008, 300–309, has recently proposed a neat solution: that it was a simple clerical error by Constans' staff, who entered the wrong general's name for Constantius' nominee in western documentation—Bonosus rather than Sallustius—which then took four months to rectify due to the slowness of communications.

57 Barnes 1981, 262, 398 n. 17 (accepted by Bagnall et al. 1987, 13–14); Lane Fox 1997, 247; Barnes 2011, 170. An important piece of evidence for Ursus' status is the dedication of a work on equine medicine to a general named Ursus: Barnes 1981, 398 n. 17 expresses doubts about the usual dating of this work to Constantine's reign, but see the comments of Demandt 1989, 268 n. 50, who also suggests that Ursus might be the first nameable consul of Germanic origin (presumably on the basis of his name, which is not, however, decisive).

berating Constantine's appointment of barbarians to the consulate.⁵⁸ During the joint reigns of Valentinian I and Valens, six *magistri* held the consulship—Dagalaifus (366), Jovinus (367), and Equitius (374) in the West, and Lupicinus (367), Victor (369), and Arintheus (372) in the East—while Merobaudes held the consulship twice during the reign of Valentinian's son Gratian (377, 383). Theodosius I granted the honor to five of his generals—Saturninus (383), Richomer (384), Timasius and Promotus (389), and Abundantius (393)—and Valentinian II did the same for Bauto in the West in 385.⁵⁹

Generals holding the consulship eighteen times out of a possible 116 opportunities (two per year from 338 to 395) may not seem so significant until one remembers that about half of the remaining opportunities were monopolized by emperors themselves or their relatives. This feature is particularly striking during the reigns of Valentinian I and Valens, when the consulship was held only eight times by individuals unrelated to the imperial family, and six of those eight times were given to generals.⁶⁰ This reinforces the point made earlier in the context of senatorial status, as Valentinian appeared particularly concerned to honor fellow senior army officers, and Theodosius I bestowed five consulships on generals, possibly reflecting similar concerns, even if distributed over a somewhat longer period of time.

Although fourth-century sources are rarely explicit about the reasons, official or otherwise, for the granting of the honor, at least some of these consulships were, unsurprisingly, rewards for specific military achievements. Ammianus relates the consulship of Jovinus in 367 to his successes against the Alamanni the previous year,⁶¹ while Themistius' sixteenth oration links Saturninus' consulship of 383 with the termination of the war against the Goths in 382, even if Saturninus' main contribution ended up being the negotiation of a peace settlement rather than a decisive military victory;⁶² and although not explicitly stated in the sources, the consulships of Promotus and Timasius in 389 must have been in recognition of their role as commanders of the army in Theodosius' campaign to defeat Magnus Maximus the previous year.⁶³ However, the case of Dagalaifus shows that more immediate political

58 PLRE 1, 626–627. Uncertainty remains as to whether Gaiso, appointed consul by Magnentius in 351, held the post of *magister*, although his very elevation to the consulate might be regarded as corroboration.

59 Details in PLRE 1 and Bagnall et al. 1987. For Valens, Gratian, and Valentinian II playing a part in relevant nominations, see Bagnall et al. 1987, 14–16.

60 Cf. Jones 1964, vol. 1, 142.

61 Amm. Marc. 27.2.10.

62 Translation and discussion of the oration in Heather/Moncur 2001, 255–283.

63 Their command of the army on this campaign is reported by Zos. *Nea hist.* 4.45.2.

considerations sometimes took priority over an individual's military record. He was granted the consulship in 366 despite ineffective campaigning against the Alamanni in 365, in addition to his having incurred the emperor's anger for his blunt advice to Valentinian against appointing Valens as co-emperor.⁶⁴ Given all this, the most plausible explanation for Dagalaifus' consulship is that Valentinian was discharging a political debt for the role Dagalaifus is reported to have played in helping to secure the imperial office for Valentinian after Jovian's death.⁶⁵

Conferring the consulship on an individual outside the imperial family did of course entail a certain risk, since placing someone in the spotlight like this, albeit temporarily, might encourage that individual or his allies to entertain larger ambitions. Such ambitions might conceivably have been further encouraged by the enduring responsibility of the consul to provide games for the populace of Rome or Constantinople,⁶⁶ which presented an opportunity to curry favor with the urban masses. In practice, however, the financial dimension of the games provision must have militated against this. It is clear that staging games on a grand scale in this period continued to be a substantial drain on the economic resources of the provider,⁶⁷ which presented the individual with a dilemma: trying to make a big splash would consume significant personal resources, whereas being more economical would preserve financial resources but reduce the chances of impressing on a grand scale. The only individuals who could afford to provide really impressive games in the fourth century (besides the emperor) were the old senatorial families of Rome,⁶⁸ but since they never held military posts in this period, the danger of their using the games as a stage to challenge the emperor was minimal.

As already anticipated, emperors sometimes used other strategies that did not rely on positive rewards of one sort or another to deflect potential threats from senior military men. One relatively innocuous approach of this sort was to relocate an individual from one command to another, the underlying rationale being to break the links between a general and the military units with which he had been operating for some time, on whose developed loyalties he might otherwise have been able to rely in the event of staging a coup. This sort of thinking was surely a factor in the various reassignments of Ursicinus in

64 Amm. Marc. 26.5.9, 27.2.1, 26.4.1–2.

65 Philost. *Hist. eccl.* 8.8. The same passage also reports Arintheus' role in Valentinian's elevation, but the time lag until his consulship in 372 suggests the office is unlikely to have been a reward for this in his case—and he was appointed consul by Valens.

66 Jones 1964, vol. 2, 537–539; cf., e.g., Olympiod. *fr.* 23, quoted at n. 35 *supra*.

67 Cf. Olympiod. *fr.* 41.2.

68 Cameron 2011, 789–790; Brown 2012, 93–100, 115–116.

the 350s, who was initially *magister equitum* in the East for a number of years, then served as *magister equitum* in Gaul in 355–356, before being sent to the East again in 357. In 359 he was reassigned to the West as *magister peditum* to replace the recently executed Barbatio, a move interrupted by his temporary return to the East to help with the defense of Amida against the Persians. To be sure, these reassignments can be correlated with specific crises and needs, but this does not preclude their conveniently serving this additional purpose, particularly since Ursicinus does seem to have fallen under suspicion of treasonable intentions during the 350s.⁶⁹ These movements are known in detail, of course, because of the later account written by his then staff officer, Ammianus Marcellinus, whose undisguised admiration for his commander led him to present Ursicinus as the victim of court intrigues. It is possible, however, that rather than Constantius being swayed this way and that by the machinations of his aides, the emperor himself orchestrated Ursicinus' appointments in order to reduce the risk that one of his most able generals would seek to emulate Magnentius' recent usurpation.⁷⁰

Another possible example of this phenomenon is Sebastianus who served as *comes rei militaris* in the West during the reign of Valentinian I, but is then found in the East in 378 assisting Valens against the Goths in the role of *magister peditum*, before perishing with the emperor at the Battle of Adrianople. The sources disagree as to the reasons for this move: Ammianus presents the initiative as lying with Valens, who is said to have requested that Sebastianus be sent to him, whereas Eunapius and Zosimus present it as the result of intrigues against Sebastianus by western court eunuchs who saw him as a threat.⁷¹ While the latter version is redolent of anti-eunuch prejudice,⁷² there is something to be said for the idea that Sebastianus was “pushed.” As briefly noted earlier, Sebastianus had previously fallen under suspicion: in the uncertainty following Valentinian I's sudden and unexpected death in 375, he is reported to have been seen as a potential threat because he was “very popular with the troops and needed therefore to be closely watched,” as a result of which he was reassigned to an unspecified “distant post” (in the West) before he became aware of Valentinian's death.⁷³

69 Amm. Marc. 15.1.1–2.

70 Cf. Crump 1975, 16; Blockley 1980, 472–477. None of this is to suggest that Ursicinus himself entertained any imperial ambitions, only that his abilities made him a plausible suspect; cf. the apparent concerns about his sons: Amm. Marc. 14.11.3.

71 Amm. Marc. 31.11.1; Eunap. fr. 44.3; Zos. *Nea hist.* 4.22.4.

72 For which see Tougher 1997.

73 Amm. Marc. 30.10.3. To these cases can perhaps be added that of Promotus, *magister peditum* under Theodosius, until he clashed with the praetorian prefect Rufinus in 391, who persuaded the emperor to transfer him to military duties in Thrace (Zos. *Nea hist.* 4.51.1–3).

In terms of an ascending order of sanctions, the next option for an emperor was to dismiss a general from his post, though one imagines that this was not a step to be taken lightly for fear of provoking the individual into open defiance. This perhaps accounts for the apparent rarity with which it was used in the fourth century. Marcellus was dismissed by Constantius as *magister equitum* in Gaul in 356–357 for failing to assist Julian when the latter was besieged *apud Senonas*, although it is hard to see this as a pre-emptive move against a potential threat, especially since Marcellus' response was apparently to lobby the emperor at court against Julian.⁷⁴ More to the point was Ursicinus' dismissal in 360 as a result of the official enquiry into the reasons for the capture of Amida by the Persians the previous year.⁷⁵ While placing the blame for that debacle on his shoulders was no doubt unfair, it certainly supplied an excuse for removing him from office while also providing a convenient scapegoat onto whom potential criticism of the emperor himself could be deflected.

The next step up from dismissal—and it was a big step—was exile, although again this was an option rarely resorted to in the fourth century. The prime examples are Timasius, one of the *magistri* whom Theodosius had placed in command of the forces which went west to suppress the usurpation of Eugenius in 394, and Abundantius, another *magister* during the final years of Theodosius' reign. Although the *Prosopography of the Later Roman Empire*, in its entries for each man, assumes that neither remained in post after 395,⁷⁶ it is apparent from the *fasti* for *magistri militum* that no individual has been identified as taking over their roles in 396, or indeed for some years after that,⁷⁷ which no doubt explains why Alexander Demandt, in his encyclopaedic treatment of the office of *magister militum*, took it for granted that both men remained in post in 396.⁷⁸ The fact that Timasius is attested as assigning someone command of a body of troops in 396 strengthens that assumption in his case.⁷⁹ Soon after that, however, a charge of treason was brought against Timasius on the initiative of the eunuch Eutropius who had become the dominant figure at the court of Arcadius, and he was duly exiled to the Great Oasis in Egypt.⁸⁰ And soon after that, Eutropius also induced Arcadius to issue an edict exiling

74 Amm. Marc. 16.7.1. For the debate as to whether *apud Senonas* refers to Sens or Senon (near Verdun), see Matthews 1989, 492 n. 16; Drinkwater 2007, 220.

75 Amm. Marc. 20.2.

76 PLRE 1, 5 and 1, 914.

77 PLRE 2, 1290. The only securely attested *magister* in post in the eastern half of the empire in 396 is Addaeus, but he was clearly *magister militum per Orientem* (PLRE 1, 13).

78 Demandt 1970, 727–728, 790, albeit with a qualificatory superscript indicating an element of uncertainty in the case of Abundantius (790).

79 Zos. *Nea hist.* 5.9.1.

80 Zos. *Nea hist.* 5.8.3–9.6.

Abundantius to Sidon in Phoenicia, although the specific charge in this case is not indicated.⁸¹ These cases were not so much about Eutropius protecting the emperor Arcadius from potential threats from the military as about his removing potential challengers to his dominance at court; nonetheless, they demonstrate another means of marginalizing senior military men, in a very literal sense.⁸²

The ultimate way of neutralizing a possible threat from a general was of course through his elimination. The most straightforward instance of this from the fourth century is that of Barbatio in 359. He had been *magister peditem* in the West since 355, but in 359 his wife was found to have written a coded letter to her husband which referred to omens of Constantius' imminent death and his hopes of becoming the next emperor, and on this basis they were both executed and an attempt made to identify any accomplices.⁸³ Although Ammianus' account is strongly colored by his disdain for religious superstition, the folly of females, and the treachery of slaves and military rivals (in this case Arbitio), the basic facts are clear and Constantius' response understandable, at least in the context of fourth-century imperial politics. Any suspicion of involvement in activities related to predicting an emperor's death and successor provoked a brutal response from emperors in this period,⁸⁴ so when it involved a general who had at his disposal the means to fulfill such a prediction (i.e., his troops), a swift and uncompromising response of this sort should occasion no surprise. What is perhaps most interesting about the whole episode is that a figure such as Barbatio should have considered himself a potential emperor, when the Constantinian dynasty was still in place after many decades and before Jovian and Valentinian had reiterated the possibility of an army officer becoming emperor.

Alongside this episode should be noted another, more problematic one: Ammianus' claim that in the winter of 354–355, Constantius almost did away with Ursicinus on suspicion of treason:

81 Zos. *Nea hist.* 5.10.5.

82 Abundantius' exile also entailed the confiscation of his property, so it is perhaps worth noting Constantius' confiscation of the estate of Gratian senior in 351 on suspicion of his having supported the usurper Magnentius (Amm. Marc. 30.7.3) and Theodosius' confiscation of the property of the *magister* Sapores (Lib. *Ep.* 957, writing to congratulate him on its restoration in 390). In the first case, however, the confiscation occurred after he had retired from military service, while in the second case, Sapores is attested as *magister* no later than the early 380s, so is also likely to have retired prior to the confiscation.

83 Amm. Marc. 18.3.1–5. Ammianus' account leaves it unclear whether Barbatio was executed for aspiring to the purple or for failing to denounce his wife when she articulated the possibility.

84 Cf. Amm. Marc. 29.1, with Lenski 2002, 223–234.

After long deliberation with the emperor in the presence of a few accomplices, a decision was reached that on the following night Ursicinus should be carried off out of sight of the troops and put to death without trial. . . . This was arranged and the agents appointed to carry out the plan were waiting for the hour to strike, when the emperor softened, and gave orders that the execution of this wicked deed should be deferred for further consideration.⁸⁵

Since Ursicinus did not die at this point, the difficulty is of course to know whether Constantius really did make the decision to eliminate him, only to change his mind at the last moment, or whether Ammianus' recurrent anxieties about the safety of his superior have spilled over into unwarranted paranoia at this point. Even if the allegation "need not be taken very seriously,"⁸⁶ the fact that it was regarded as a potential option for Constantius remains significant for the concerns of this chapter—and of course the case of Barbatio four years later shows that this emperor was prepared to act when presented with clear evidence of treasonable intentions.

However, the downfall of Barbatio and the possible threat to Ursicinus' life have attracted much less attention than two other episodes from this period: the elimination of Silvanus in 355 and the execution of Theodosius the elder in 376. Admittedly, these two cases contrast sharply with one another with regard to surviving sources: Silvanus' removal is the subject of a detailed narrative by Ammianus who was himself a participant in the events, whereas the death of Theodosius senior is a "notoriously obscure event,"⁸⁷ despite its occurring before the terminal date of Ammianus' history. Yet even with the abundance of circumstantial detail concerning the Silvanus affair, it too remains problematic in many respects. How, for example, did Ursicinus and his party manage to maintain the pretense that they knew nothing of Silvanus' proclamation as *augustus* while traveling from Milan to Cologne? And why is there no numismatic evidence of Silvanus' usurpation?⁸⁸ However, whether Silvanus was killed for open rebellion or on suspicion that this was what he might have been planning, his elimination is a further example of an emperor acting to remove a perceived threat by a general.⁸⁹

85 Amm. Marc. 15.2.5–6 (tr. W. Hamilton, with revisions).

86 Matthews 1989, 36.

87 Matthews 1975, 64 n. 3.

88 Issues raised by Drinkwater 1994; Hunt 1999 provides a considered treatment of the episode which goes some way toward answering Drinkwater's concerns.

89 Given Constantius' actions against Silvanus and Barbatio, it is something of a puzzle as to why he exercised clemency toward the general Vetricio who, against the background of Magnentius' usurpation in the West, proclaimed himself emperor in the Balkans in 350. Older interpretations solved the puzzle by positing that Constantius orchestrated the whole affair as a holding action

As for the death of Theodosius the elder, Ammianus' failure to comment on it has understandably been viewed in the context of his producing his history during the reign of the deceased's son, the emperor Theodosius I, with the further potential implication that the circumstances involved something discreditable to Theodosius senior.⁹⁰ There could, however, be a simpler, more pedestrian explanation for the incident's absence—namely, that Ammianus regarded the death of Valentinian I in 375 as the terminal date for his detailed treatment of events in the western half of the empire.⁹¹ In any case, while responsibility for the execution order must remain uncertain—Valens, Gratian, and powerful courtiers in the West have all been seen as possible candidates—the event itself cannot have come as a complete surprise. Theodosius had put together an unbroken sequence of military successes in Britain, Gaul, and Africa during Valentinian's reign, which must have made him a cause for concern, irrespective of his apparent loyalty to Valentinian. Ammianus describes him at the conclusion of his most recent success—the suppression of the rebel Firmus in north Africa—as “returning to Sitifis in the guise of a triumphing general, where he was received with applause and commendation by all, of every age and rank.”⁹² Even if not intended as such by Ammianus, these are ominous words. Unfortunately for Theodosius, this success coincided with Valentinian's unexpected death, and in the vacuum of uncertainty surrounding the transfer of power to his sons Gratian and Valentinian—sixteen and seven years old, respectively—it is understandable that there should have been concerns about the possibility of Theodosius attempting to seize power for himself, capitalizing on his record, the substantial military forces under his command, and his control of the north African grain supply.⁹³

While not all those generals suspected of harboring imperial ambitions during the fourth century may have deserved such distrust, there were enough instances of actual or attempted usurpation to justify the concerns of emperors, not to mention the ghosts of the third century. Guarding against this

against Magnentius until Constantius could free himself from his Persian commitments and come west. However, more recent interpretations have argued persuasively that Vetrano's revolt was genuine (see Drinkwater 2000, 146–159, for discussion). Its eventual resolution without bloodshed still must have required the cooperation of Vetrano and his leading supporters, which no doubt accounts for Constantius' leniency, but it remains something of an oddity in the wider context of Constantius' reign.

⁹⁰ Thompson 1949, 92–97.

⁹¹ Matthews 1989, 382.

⁹² Amm. Marc. 29.5.56. Ambrose perhaps hinted at a link between the death of the elder Theodosius and his military success when, in his funeral oration for Theodosius I, he referred to “those who murdered his father, the *triumphator*” (53).

⁹³ Further discussion in Demandt 1969; Nixon/Rodgers 1994, 453 n. 18; Errington 1996, 443–447.

potential danger involved a delicate balancing act between bestowing suitable rewards and taking action against an individual if necessary—a balancing act that most emperors in this period seem to have got broadly right. It is surely significant that the two clear cases of outright military usurpation from the post-Constantinian period—those of Magnentius and Magnus Maximus—were directed against emperors who had apparently managed to alienate the military. Although detail about the background to Constans’ overthrow in 350 is frustratingly thin, one of the few points that is preserved in the sources is that he had become “unpopular with the soldiers.”⁹⁴ Similarly, the main cause of Gratian’s fall in 383, trivial as it may appear, is said to have been his favoring some Alan deserters in the army to such an extent that it “bred a hatred of the emperor in his soldiers, which slowly smouldering and growing, incited them . . . to revolt.”⁹⁵ Relations between emperors and generals continued to be of the utmost importance during the fifth century, and beyond, but the rules of engagement changed significantly after the premature death of Theodosius in 395 ushered in a half century of emperors who acceded to the throne as minors without any military experience and who retreated into the imperial palace.⁹⁶

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⁹⁴ Eutr. 10.9.3.

⁹⁵ Zos. *Nea hist.* 4.35.2–3.

⁹⁶ For further discussion, see Lee 2007, 30–37; Lee 2013.

Gaul and the Roman Emperors of the Fourth Century

JOACHIM SZIDAT

GENUINE SEPARATIST MOVEMENTS WERE UNKNOWN TO THE ROMAN empire. No one wanted to leave the empire; rather, individual parts or regions of the empire strove to ensure that their interests were taken into greater consideration and represented. This inevitably led to conflict with the central authority.¹ Gaul ranks among the parts of the empire in which this effort was particularly pronounced and significant beyond its regional context. The phenomenon is palpable in Gaul from its incorporation into the empire, albeit in varying strength and form. There are various reasons for it that have to do with the internal structure of Gaul, its location on the edge of the Roman empire next to free Germany, the form of the monarchy, and policy of individual emperors.

In this chapter, I concentrate particularly on relations between Gaul and the emperors of the fourth century AD, and on the related problem of the frequent usurpations in fourth-century Gaul that challenged the rulers considered legitimate.² Gaul's relationship with the emperors in the context of shared imperial rule, which characterized the fourth century, was always twofold. It was, on the one hand, a relationship with the ruler who was immediately responsible for Gaul; but, on the other hand, it was also a relationship with his imperial colleagues in the rest of the empire. The latter were of decisive importance for the position of the ruler in Gaul, the legitimacy of which depended to a great extent on the recognition of his colleagues in office. Every ruler in Gaul sought this legitimation, and every usurper, too, if he could hold on to power long enough. The only significant exception is Silvanus, who ruled barely one month in 355.³

1 With respect to discussion of elite behavior, the concept regionalism has been adopted in the relevant scholarship (cf., e.g., Martin 2001, 187–188).

2 Most of subsequent references here will address this problem.

3 On the efforts of late-antique rulers to obtain recognition by their colleagues, cf. Szidat 2010, 312–317.

By Gaul, the *dioecesis Galliarum* and the *dioecesis Viennensis* are meant, not the Gallic prefecture (*praefectura praetorio Galliarum*) in its entirety, which included Britain, Spain and Mauretania Tingitania. The fate of the prefecture and other conditions were not the same as Gaul's. The term *Gallia* is, in fact, normally used in this sense in the fourth century,⁴ and indeed usually in the plural. The plural can, nonetheless, sometimes indicate the territory of the *praefectura*.⁵ Alongside events in Gaul, those in Britain that were of decisive importance for Gaul must also be taken into consideration.

PECULIARITIES OF THE PLACE OF GAUL IN THE FOURTH CENTURY

Under the Tetrarchic order and during its dissolution and transformation into a regime of shared imperial rule, which can be traced clearly until 476, several special characteristics distinguished Gaul from other territories. The circumstances of the fourth century, however, differed from those of the fifth. Gaul was of particular political and military importance because of its position as a border region against the barbarians; it may have shared this importance with other areas such as the Danubian frontier, but the other peculiarities of Gaul lent it a very different character.

During the Tetrarchic era, Gaul swiftly became the site of the permanent residence of an emperor; first of all, that of the *caesar* Constantius Chlorus, who left the region after 295 only for campaigns in Britain.⁶ Similarly, Gaul remained the residence of his son Constantine until the end of 311; Constantine would reside in Gaul frequently, if no longer regularly, until 316. In his place, his son Crispus resided in Gaul with the rank of *caesar* from 318 to his downfall in early 326; only with considerable reservations may he be regarded as an independent ruler.⁷ Crispus' place was taken by Constantinus, the later Constantine II, in 328; his authority to make independent decisions was similarly very limited until 337.⁸ Thus, between 318 and 337, Gaul was merely the residence of a clearly subordinate ruler. Under Constantine II and, after his downfall in 340, under Constans, Gaul again became the residence of a full-fledged *augustus*,

4 Cf., e.g., Amm. Marc. 15.10.1; in general, Jones 1964, vol. 3, 382.

5 Cf., e.g., Amm. Marc. 23.5.4.

6 On the residences of emperors and usurpers in the fourth century, cf. Seeck 1919; Barnes 1982 (down to 337); Barnes 1993, esp. 218–228 (337–361); den Boeft et al. 1987–2011 (chronology); Szidat 2003b, 323–331 (337–353); Beyeler 2011, 341–371. On chronology in general, see also Kienast 1996.

7 On the question of such rulers, cf. Szidat 2010, 49–50, 53–54; cf. also Corcoran 1996, 281 n. 87. Crispus is never mentioned as a legislator in the legal sources.

8 Szidat 2010, 50, 53–54.

until Constans' own downfall in January, 350. Constans, however, was frequently in the Balkans or in Northern Italy.⁹ After his defeat, no *augustus* who may be considered legitimate resided in Gaul for a considerable length of time. The *caesar* Julian resided in Gaul from the end of 355.¹⁰ From autumn 357, he wintered in Lutetia.¹¹ He clashed with Constantius II early in 360 and left Gaul in 361 to take the field against Constantius. Not until 365, with Valentinian I, did an *augustus* again reside chiefly in Gaul; from 367, in Trier. This tradition remained intact under Gratian from 375. From March 381, however, he resided predominantly in Northern Italy, in Milan.¹² After his overthrow by the usurper Magnus Maximus, he was succeeded in 389 by Valentinian II, who committed suicide in May, 392.¹³ He was the last emperor present in Gaul who may be considered legitimate. Besides usurpers, no ruler made Gaul his residence for long thereafter. The first emperor to come to Gaul after the death of Valentinian II was Majorian in 460, but only for a short time.

The presence of an emperor in a city or territory was celebrated as an essential precondition of economic and cultural development.¹⁴ If the emperor was not present in an area where he normally was, the result was not necessarily unrest or the elevation of a usurper. That occurred when the condition of a region seriously deteriorated, but the ruler did not intervene, such as Gaul at the beginning of the fifth century, when barbarians surged across the Rhine.

Besides the presence of the emperor, fourth-century Gaul also witnessed a series of usurpers. If one discounts the usurpers who were defeated as the Tetrarchy took shape and imperial rule was consolidated, Gaul enjoyed long-standing peace after the victory over Allectus in 296.¹⁵ Only once the Tetrarchy began to crumble, after the abdication of Diocletian and Maximian in 305, did Constantine seize power on July 25, 306, in York and after him Maxentius on October 28 in Italy. Constantine's elevation was soon recognized by Galerius,¹⁶ but recognition was withheld from Maxentius until his downfall in 312. The short-lived rebellion of Maximian against Constantine in the summer of 310 had nothing to do with the special conditions of Gaul but merely served Maximian's ambition.¹⁷ In the latter

9 Szidat 2003a, 207–208.

10 He was elevated to *caesar* on November 6, 355, in Milan (Amm. Marc. 15.8.17), departed for Gaul on December 1, 355 (Amm. Marc. 15.8.18), and reached Vienne before the end of the year (Amm. Marc. 16.1.1; cf. also Szidat 2003b, 327 n. 1199).

11 Amm. Marc. 17.2.4. He spent the preceding winter in Sens (Amm. Marc. 16.11.1).

12 Seeck 1920, 166, 497.

13 See most recently Szidat 2012.

14 Cf., e.g., *Pan. lat.* 7(6).22 with Müller-Rettig 1990, 290–305.

15 Kuhoff 2001, 158.

16 *Lact. Mort. pers.* 25; *Pan. lat.* 6(7).8.2 with Müller-Rettig 1990, 132–136.

17 *Pan. lat.* 6(7).16, 18–20 with Müller-Rettig 1990, 223–269.

half of the fourth century, there followed the three great usurpations that occurred in Gaul. Magnentius, with his brother Decentius, rose up against Constans in 350; Magnus Maximus against Gratian in 383; and Eugenius against Theodosius I in 392. There was also Julian's rebellion against Constantius II in 360. The latter was unusual in that Julian was in Gaul as Constantius II's *caesar* and merely claimed the rank of *augustus* without receiving permission. The rebellion of Silvanus in Cologne in August 355 remained a brief episode. It was an act of desperation in response to a plot hatched at the court. It was possible at all only because as *magister militum* Silvanus enjoyed sufficient military backing.

The frequency with which usurpers appeared in Gaul in comparison to other parts of the empire was noticed already in antiquity (Amm. Marc. 25.9.8).¹⁸ Ammianus is thinking foremost of the elevation of Magnentius, Silvanus, and Magnus Maximus, and perhaps also Constantine and Julian, even if he does not depict the latter's actions as usurpation.¹⁹ The sources moreover also make frequent reference to the restless and rebellious spirit of the Gauls generally and of the Gallic troops.²⁰

Legitimate rulers who took residence in Gaul were predominantly also the rulers of the entire West²¹ or the second ranking emperor in the empire.²² Constantine I (from 312), Constantine II (337–340), Constans (340–350), Valentinian I (364–375), and Gratian (375–383) ruled over the entire western empire.

18 Between 296 (Constantius Chlorus' victory over the usurper Allectus) and 337, there were nine usurpations in the empire, two of which occurred in Gaul, namely Constantine's and Maximian's. Of the other seven, only the usurpation that brought Maxentius to power in Italy in 306 was of any consequence. From 337 to 395, there were nine usurpations, five of which occurred in Gaul (Magnentius, Silvanus, Julian, Magnus Maximus, Eugenius), and one each in Italy (Nepotianus), in the Balkans (Vetranio), in Africa (Firmus), and in Constantinople (Procopius and, directly related, Marcellus). The territory of Gaul clearly was most frequently in jeopardy. The great rebellions that were of significance across the empire (Magnentius, Magnus Maximus, Eugenius) took place here. On top of these was the usurpation of the *caesar* Julian, who claimed the rank of *augustus*; he was able to avoid a large-scale military conflict only thanks to the premature death of Constantius II. For a discussion of the number of usurpations, cf. Szidat 2010, 222, and overviews in Szidat 2010, 414–416.

19 Whether he also had in mind the usurpation of the rhetor Eugenius when he wrote this passage must remain unknown. This depends on the dating of the publication of Book 25, which cannot be determined with precision. If one accepts, e.g., with Matthews 1989, 27, that the entire work was published before 390–391, then Eugenius' usurpation will not play a part in Ammianus' statement here.

20 On the motif that the Gauls are unreliable and Gallic troops tend to support the rebellion of usurpers, cf., e.g., Amm. Marc. 30.10.1; Aur. Vict. *Caes.* 42.17; Philost. *Hist. eccl.* 4.2. Cf. Szidat 1977–1996, vol. 3, 159–160, and in general Urban 1999. The *Historia Augusta* also contains references to the fondness of the Gauls for usurpations; cf. Hist. Aug. *Firm.* 7.1; *Gall.* 4.3. For further references, see Paschoud 2001a, 234–235. These references in the *Historia Augusta* apparently fall back on the historical experience of the fourth century.

21 This included at least the Gallic, Italian, and African prefectures.

22 There were three reigning *augusti* only between 337 and 340, when Constantine II, Constans, and Constantius II ruled jointly.

As *caesar*, Julian reigned only in the Gallic prefecture (355–361), as did likewise the *augustus* Valentinian II (389–392).²³ The usurper Magnentius ruled over the entire western half of the empire (from early 350). The usurpers Magnus Maximus (383 until his march on Italy in early 387) and Eugenius (August, 392, until his march on Italy in early 393) were limited to the Gallic prefecture. Silvanus, in contrast, ruled only *Germania secunda*²⁴ for just a month, from August 11 until September 7, 355.

Rulers whose territory encompassed the *praefectura Galliarum* frequently resided in Trier (Amm. Marc. 15.11.9: *domicilium principum clarum*). The city was the preferred residence of emperors in the western half of the empire in the fourth century.²⁵ It surpassed all other imperial residences in the West and was equal in importance to Milan, but lost its status when Eugenius left Gaul in early 393. Julian is a notable exception: his preferred residence from winter 357 was Lutetia (*civitas Parisiorum, Parisii*, Paris);²⁶ he never resided in Trier. The usurper Magnentius also almost certainly never visited Trier. He set out for Northern Italy immediately after his elevation in Autun on January 18, 350, and did not return to Gaul until the end of 352,²⁷ where in central Gaul he prepared to resist the invasion of Constantius II from Italy. His brother Decentius, on the other hand, stayed chiefly in Trier.²⁸ The usurper Eugenius also potentially seems to have stayed briefly in Trier.²⁹

23 The territory of Valentinian II is less easy to determine. At any rate, Theodosius was in Italy until the summer of 391 and Valentinian II limited to Gaul. Rule also over Italy is possible for the rest of Valentinian II's reign, because the senate sent a delegation to Valentinian II concerning the altar of Victory and temple treasures after Theodosius had left Italy and before Valentinian II had ended his life. Cf. Paschoud 1971–1989, vol. 2.2, 444–445, on Ambr. *Ep. extra coll.* 10(57).5. Cf. also Ambr. *De obit. Valent.* 2.4.23 sq. 52.

24 Szidat 2010, 241, 275.

25 This does not need to be demonstrated for most rulers. Valentinian II resided predominantly in Trier from early summer 389 (cf. Paschoud 1971–1989, vol. 2.2, 444; Heinen 1985, 256–257; Beyeler 2011, 370; *contra* still Stroheker 1948, 44, who apparently considers Vienne the preferred residence); Magnus Maximus likewise was frequently in Trier (Matthews 1975, 176).

26 On the various attempts to explain this preference, cf. Szidat 1977–1996, vol. 1, 99–100; den Boeft et al. 1987–2011, XX, 3–4. The most probable explanation is that Trier lay in the area devastated by the Germans during the struggles between the usurper Magnentius and Constantius II, who had incited them against Magnentius.

27 Szidat 2003b, 326–330.

28 Szidat 2003a, 212.

29 After his acclamation on August 22, 393, in Lyon, Eugenius set out for the north with Arbogast to campaign against the Franks, which led him to the Rhine in the vicinity of Cologne (cf. Greg. Tur. *Hist. Franc.* 2.9: *Dehinc Eugenius tyrannus, suscepto expetitionale procincto, Rheni limitem petit* An attack on Cologne by Arbogast is mentioned previously. Cf. also ILS 790 with Grünwald 1988, 243–252). He is attested in Italy already in early 393 (CIL 10.4492). It is unknown where he began his consulate on January 1, 393. The coins issued on the occasion in Trier (Beyeler 2011, 164–165) are not compelling evidence of his presence. Most likely, one may assume his presence there in connection with the campaign on the Rhine.

Connected to the regular presence of rulers in Gaul was its institutional significance. From the beginning of the fourth century, where there was an emperor, there too was the highest official after the emperor, the praetorian prefect (*praefectus praetorio*). This means that under Constantius Chlorus and Constantine, respectively, one praetorian prefect resided in Gaul with the emperor. This situation remained unchanged even after the praetorian prefect became the highest civil official and lost his military powers. This development began after Constantine's victory over Maxentius in 312.

The subsequent creation of territorial prefects changed the situation little.³⁰ The territorial praetorian prefect remained near the emperor when the latter resided in Gaul.³¹ The appointment of territorial prefects, however, also guaranteed that a prefect was present in Gaul when an emperor did not reside there. Thus, when Julian set out against Constantius II from Kaiseraugst in April 361 (Amm. Marc. 21.8.1), Sallustius was sent back to Gaul as *praefectus Galliarum*.³² Julian would never return.³³

Even after the praetorian prefect had become a civil official, he was extremely important for the exercise of imperial power. So, for example, the defection of the prefect Titianus from Constans to Magnentius enabled the usurper rapidly to take control of all Gaul.³⁴ The prefect could disseminate news of the elevation of the new ruler quickly and convincingly to provincial governors and cities. The official residence of the praetorian prefect in the fourth century was in Trier, where the bureaux of the prefecture were also located.

Gaul's location on the border with free Germany meant that a large part of the field army was always in Gaul in order to defend against barbarian raids.³⁵ That did not necessarily mean that usurpers appeared more frequently.³⁶

30 On this much discussed question, cf. more recently Migl 1994; Coşkun 2004.

31 Cf. Amm. Marc. 14.10.4–5, 20.4.6 with Szidat 1977–1996, vol. 1, 144–145.

32 On the date, cf. Szidat 1975; Szidat 1977–1996, vol. 3, 82–84, 242. Older scholarship dates his departure in early July 361 or mid May.

33 Cf. also Valentinian I, who visited the Danube shortly before his death on November 17, 375. Nearby was Probus, the *praefectus praetorio Illyrici, Italiae, Africae*, but not Maximinus, the *praefectus praetorio Galliarum*, who was in Trier (Szidat 2010, 109).

34 Cf. Szidat 2010, 277, 287

35 Cf. Hoffmann 1969, 131–209, summarizing on 199–209; on the situation after Julian's departure from Gaul in 360, cf. Hoffmann 1969, *passim*; Elton 1996, 208–214. Hoffmann 1969, 147, notes that the army in Gaul was the core of the army in the West and the best regional army of the fourth century, so that it was the epitome of the west Roman army par excellence.

36 Comparison with units in the East also makes this clear. There was neither any usurpation nor even an attempt at one among the units stationed in the East against the Sasanids in the fourth century (cf. overviews in Szidat 2010, 388–390, 413–416, usurpers and attempts), even if the emperor naturally took precautions and did not rule out the possibility, as, for instance, the suspicions against the *magister militum* Ursicinus at the court in 359 illustrate. Cf. Amm. Marc. 18.5.5; *rerum novarum avidus concitor* (sc. Ursicinus). Cf. also Amm. Marc. 18.6.2 and 6.6 with Matthews 1989, 40, 405. On Ursicinus cf. also Szidat 1977–1996, vol. 1, 103–107.

Military commanders did not normally permit themselves to be acclaimed emperor by their troops without first surveying their views and weighing the risks.³⁷ They planned their actions. Significant uprisings are normally implicated in a political process. Winning over the troops stationed in Gaul was a decisive element. The short-lived usurpation of Silvanus in 355 is no argument to the contrary: he acted under duress because he was about to be destroyed by a plot (Amm. Marc. 15.5.15–16).³⁸ Within a few days, therefore, he decided to have himself proclaimed *augustus* and so came to ruin not long thereafter.

Planning and winning broad political consent, in contrast, are in evidence for every other rebellion. Constantine's elevation in York in 306 was possible only because he succeeded to his father's position. Magnentius could rely primarily on members of the *comitatus* who were dissatisfied with Constans and apparently brought the army over to the usurper's side.³⁹ Julian evidently had carefully planned his rebellion in 360 and removed officials who could threaten him from Lutetia.⁴⁰ Magnus Maximus had had himself acclaimed in Britain; after he reached Gaul, he was able to induce Gratian's army to defect to him. Several of Gratian's military commanders, among them Merobaudes in particular, played a decisive part. They pledged their loyalty to Gratian.⁴¹ Eugenius was not acclaimed until three months after the death of Valentinian II, when a settlement with Theodosius proved impossible.⁴² Through one or more embassies, Arbogast had attempted to convince Theodosius of his innocence of the death of Valentinian II.⁴³

Naturally, the Gallic army played a part in politically volatile situations. This is well illustrated by the accession of Jovian, after Julian succumbed in the night of June 26/27, 363, to the wounds he had received the day before on his Persian campaign.⁴⁴ Jovian's first concern in the West was Gaul. He immediately sent a delegation there to install a new *magister militum* and to introduce himself to the army commanders and provincial governors (Amm. Marc. 25.8.8–13). The situation became less tense only after messengers from the incumbent *magister militum* Jovinus arrived to report that the army in Gaul (*exercitus Gallicanus*) had acknowledged Jovian's rule (Amm. Marc. 25.10.8).

37 On the planning and preparation of usurpations as the norm, cf. Szidat 2010, 232–236.

38 Amm. Marc. 15.6.3. Cf. Szidat 2010, 236; Beyeler 2011, 139–140.

39 Zos. *Nea hist.* 2.42. See also Zonar. 13.6. Cf. Paschoud 2000, vol. 1, 267–268; Szidat 2010, 233.

40 Szidat 2010, 234.

41 Raschle 2005, 59 and *passim*; Szidat 2010, 237.

42 Valentinian II died on May 15, 392, and Eugenius was acclaimed on August 22, 392.

43 Cf. Rufin. *Hist. eccl.* 11.31. The dispatch of bishops to defend Arbogast's innocence makes sense only as an embassy of the *magister militum*, not of the usurper Eugenius, as already Seeck 1920, 537 observed.

44 *Chron. min.* 1.240; Amm. Marc. 25.5. Cf. Beyeler 2011, 363, for further references.

No less important than the presence of units of the field army were the resources that Gaul and the neighboring barbarian territory offered as recruiting grounds, as well as for hiring auxiliary troops.⁴⁵ The extent of recruitment is evident not only in the composition of the army but also in the many officers who derived from barbarian territory. One might cite here the Frankish *magistri militum* or other officers of barbarian background.⁴⁶

Usurpers also took advantage of these beckoning opportunities to strengthen their troops.⁴⁷ This is attested for Julian,⁴⁸ as well as for Magnentius, Magnus Maximus, and Eugenius.⁴⁹ Normally, usurpers commanded smaller armies than the legitimate emperor, who led the main part of the field army. Thus it was necessary to strengthen one's own troops in order to withstand a military conflict.⁵⁰

The frequent residence of the emperor in Gaul, its administrative importance as the seat of a praetorian prefect, and its political-military significance as a borderland to the free barbarian tribes made Gaul exceptional in the Roman empire. The territories along the Danube are not comparable, because the emperor did not reside there continuously or often enough, and they lacked special administrative importance. The empire could not be ruled from the Danube for long. Italy in the fourth century was not subject to external threat; thus, no units of the field army were permanently stationed there.

THE SPECIAL INTERESTS OF GAUL

Like every other region that bordered on Barbaricum, Gaul had a particular interest in protection from barbarian attack.⁵¹ Threats came not only from the

45 For general discussions of the recruitment of barbarians and their role in the late Roman army, cf. Demandt 2007, 320–323; Elton 1996, 128–152. On the recruitment of barbarians in particular, cf., e.g., Hoffmann 1969, 141–145. He also discusses the difficulty of distinguishing between recruits conscripted in Gaul and those from barbarian tribes outside the empire, as well as barbarian auxiliary troops, the so-called *foederati*. The sources frequently do not allow us to draw a clear distinction.

46 For an overview, cf. Heinen 1985, 321–327.

47 On this problem, see the fundamental discussion in Shaw 1999, 149–150 with further references.

48 Amm. Marc. 21.2.3; Iul. *ad Ath.* 287a; *Misop.* 360c; Lib. *Or.* 18.204. Cf. Szidat 1977–1996, vol. 2, 86. On Julian's efforts to strengthen his army even before his elevation to *augustus*, cf. Hoffmann 1969, 204–206.

49 Iul. *Or.* 1.34c–d, Sozom. *Hist. eccl.* 7.13.10 (Magnentius recruits barbarians); Ambr. *Ep.* 30(24).8 (Magnus Maximus); see also Oros. *Hist.* 7.35.11 (Eugenius).

50 Szidat 2010, 319. On the balance of power between Julian and Constantius II, cf. Szidat 1977–1996, vol. 3, 148–149.

51 The need for protection against external threats was important to every border region. Imperial policy was also judged according to this criterion. Cf., e.g., Amm. Marc. 18.6.2 (*simul metuentes—sc. the population of the provinces on the border to the Sasanid empire—saluti quod tempore dubio remoto illo—sc. Ursicino—advenisse hominem compererant inertissimum—sc. the magister militum*

Rhine border, but also from Britain. Unrest and fear caused by the barbarians affected the inner stability of Gaul. Thus Constans crossed over to Britain early in 343 to make a show of force to the barbarians there.⁵² Toward the end of 359, Julian sent the *magister militum* Lupicinus to Britain to respond to raids by the Picts and Scots.⁵³ Similarly Theodosius, when he still was *comes rei militaris*, was sent to Britain in 368 to repel barbarian attacks (cf. Amm. Marc. 27.8, 28.3). Britain could also be the scene of usurpations. In 368, an attempted usurpation by a certain Valentinus is attested in Britain.⁵⁴ In early 383, Magnus Maximus rebelled against Gratian and crossed over to Gaul.⁵⁵ The importance of Britain is also indicated by the fact that Ammianus wrote an excursus about it, as he had done for Gaul, in one of the lost books (27.8.4; cf. also 20.1.1).

Imperial policy took cognizance of Gaul's particular interest in protection from external threats. Julian, for example, took measures to protect the interests of Gallic landholders (Amm. Marc. 20.10.2). After he had usurped the rank of *augustus*, late in the summer of 360, he marched against the Chattuari near Xanten, who had made raids on the Gallic borderland, and concluded a treaty with them that he believed was beneficial to the Gallic landholders (Amm. Marc. 20.10.2: *prodesse possessoribus finitimis*). Julian's actions served to stabilize conditions in the border region but also complemented his preparations for the campaign against Constantius II (Lib. Or. 18.105). He did not want to leave behind him a Gaul that felt unprotected and for that reason less loyal to him.⁵⁶

The usurper Magnentius also provided for the security of Gaul to avoid risking the loyalty of the population. Because he remained primarily in northern Italy preparing for the struggle against Constantius II, he appointed his brother Decentius⁵⁷ *caesar* in the summer of 350⁵⁸ in Milan and had him take up residence in Trier in order to defend against barbarian raids along the Rhine.⁵⁹ Naturally, various other measures were commonly taken to curb political

Sabinianus, Ursicinus' successor) on the anxiety in the eastern empire when the *magister militum* Ursicinus, who had long (*per decennium*) operated there successfully, was supposed to be recalled.

52 Amm. Marc. 20.1.1; 27.8.4; 28.3.8; Lib. Or. 59, 137–141. Malosse 1999. See also Szidat 1977–1996, vol. 1, 98; Szidat 2003a, 207 and 2003b, 326; den Boeft et al. 1987–2011, XXVII, 190–192.

53 Amm. Marc. 20.1; cf. Szidat 1977–1996, vol. 1, 97–103.

54 Cf. esp. Amm. Marc. 28.3.4–6. For particulars, cf. Szidat 2010, 390; den Boeft et al. 1987–2011, XXVIII, 152–157.

55 Zos. *Nea hist.* 4.35.4–6. On the beginning of the conspiracy and the parallel tradition, cf. Seeck 1920, 165–167; Paschoud 1971–1989, vol. 2.2, 412–415.

56 On Amm. Marc. 20.10, cf. Szidat 1977–1996, vol. 2, 43–48; den Boeft et al. 1987–2011, XX, 234–243.

57 Bleckmann 1999a, 85–87.

58 Beyeler 2011, 359.

59 Cf. Szidat 2010, 321.

unrest, which might threaten any ruler, whether legitimate emperor or usurper. The tax burden played an important part among these.⁶⁰ Julian, probably in 358–359, prohibited the praetorian prefect Florentius from collecting additional taxes (Amm. Marc. 17.3).⁶¹ Again, it was the *possessores* who profited. Relations with the church could also matter for securing loyalty. Thus, after his elevation to *augustus*, Julian cultivated the orthodox bishops of Gaul to keep them on his side.⁶²

There is no evidence of a special policy toward securing the loyalty of the Gallic ruling class. No Gallic usurpation can be traced back to lack of consideration for the Gallic elite in the distribution of offices and honors. Indeed, the elite, at least to some extent, suffered from regime change. The influence of Ausonius' family, for instance, ended with Gratian's overthrow.⁶³ There is likewise no proof that usurpers showed special favor to members of the Gallic ruling class when conferring office and privileges. A real ruling class in Gaul first reappears in the middle of the fourth century,⁶⁴ but its members base their careers on rhetorical training rather than landholding.⁶⁵ The interests of Gaul were not truly served by this class of men; their actions were generally self-interested.⁶⁶

Before his campaign against Constantius II, Julian promoted a series of Gallic followers and took individuals into consideration when reassigning offices.⁶⁷ Others close to Julian pursued their careers further or began one;⁶⁸ one thinks particularly of Saturninius Secundus Salutius, who was already present in the *comitatus* of Constans and continued his career until 367. He was *praefectus praetorio Orientis* from 361.⁶⁹ He was offered the purple twice, in 363 and 364, and twice refused.⁷⁰ All such men, however, did not derive from the milieu of the great Gallic landholders. They seized the opportunity to advance

60 Cf. in general Szidat 2010, 231–232.

61 De Jonge 1977, 50–68. Cf. also Amm. Marc. 16.5.14–15 and Pack 1986, 62–103.

62 Cf. Barnes 1993, 153 and *passim*; Brennecke 1984, 360–367.

63 Matthews 1975, 174; Drinkwater 1989, 146 sees Ausonius' influence vanish even beforehand.

64 Stroheker 1948, 17; Drinkwater 1989, 142.

65 Cf., e.g., Secundus Salutius. For further examples, cf. Drinkwater 1989, 143.

66 Drinkwater 1989, 145–146, disputing the assumption of some scholars that Ausonius had great political influence (Matthews 1975, 55). Virtually no one else can be named. The problem of questioning the rule of the legitimate emperor is hardly raised by Ausonius, so Drinkwater's conclusion will stand.

67 Amm. Marc. 21.8.1; cf. Drinkwater 1989, 143; Szidat 1977–1996, vol. 3, 73–77.

68 Drinkwater 1989, 143.

69 PLRE 1, 814–817 s.v. Saturninius Secundus Salutius 3; Diesner 1983, 53–64.

70 Amm. Marc. 25.5.3 on 363 and Zonar. 13.14; Zos. *Nea hist.* 3.36.1–2 on 364. Paschoud 1971–1989, vol. 2.1, 239 n. 105, discusses in detail the branch of the tradition represented by Zosimus and Zonaras and considers the renewed proposal of the PPO Secundus Salutius credible, as does Lenski 2002, 20 n. 43 with reference also to Them. *Or.* 9.125a. Cf. also den Boeft et al. 1987–2011, XXV, 174–176.

through their connection to Julian. Long-standing support for Julian out of hatred for Constantius II or systematic agitation for his elevation cannot be demonstrated. The normal reconfigurations of personnel on the accession of a new ruler that are still observable in no way justify the conclusion that imperial personnel policy encouraged the emergence of usurpations in the fourth century.

THE EMPERORS IN THE EAST AND GAUL

As the decisive territory for controlling the western empire in the fourth century, Gaul was of considerable interest to the emperors in the East when vacancies or usurpations occurred that might affect the entire empire. To protect themselves from undesirable uprisings in Gallic territory, the emperors in the East sought to control the area by appropriate measures. These included the elevation of members of the imperial college who would be under their control or the appointment of suitable officials whom they could trust. Julian is an important example of a ruler who should have been under control. Constantius regarded the presence of an emperor in Gaul as necessary and for that reason installed Julian there as *caesar*.⁷¹ However, he granted him very limited powers. In particular, Julian lacked a *comes sacrarum largitionum* of his own and initially supreme military command.⁷²

Constantius II had limited Julian to the status of *caesar* above all for dynastic reasons. Since Constantius had no sons of his own, he made do with Julian, who was his uncle's son. He did not, however, make him *augustus*, but only *caesar*. Constantius did not want to preclude a potential son of his own from ascending the throne. He could have elevated a son immediately to the rank of *augustus*, placing him before Julian in the succession. Constantius limited Julian's powers, however, not merely in light of the resources Gaul offered for a successful usurpation. He had taken similar measures when he dispatched Gallus as *caesar* to the East in 351.⁷³ Theodosius proceeded similarly when he left Valentinian II behind as ruler in Gaul, after the usurper Magnus Maximus had been defeated in 388. Theodosius had Valentinian II controlled by the *magister militum* Arbogast.⁷⁴ He thus prevented the young emperor from consolidating his power and could guarantee that the entire West would pass to his son Honorius. The plan ultimately failed not because of circumstances in

71 Amm. Marc. 15.8.1. Cf. Amm. Marc. 15.8 *in toto* on the appointment of Julian as *caesar* in the Gallic prefecture.

72 Blockley 1972; Szidat 1977–1996, vol. 1, 76–77.

73 On Gallus cf. den Boeft et al. 1987–2011, XXI, 5; Bleckmann 1994; Szidat 1977–1996, vol. 3, 158.

74 Paschoud 1971–1989, vol. 2.2, 444.

Gaul, but because of the personality of the young emperor; instead of tolerating his demotion, he committed suicide and thus opened the door for the usurper Eugenius.⁷⁵

Jovian took a different approach to controlling Gaul and holding it for his family. Like Julian, he dispensed with sharing power with a co-regent and ruled alone. He tried to place suitable and personally loyal officials in Gaul⁷⁶ in order to be able to rule alone and give a share of power to his son Varronianus.⁷⁷ The latter was not yet a year old at his father's accession,⁷⁸ but he nonetheless held the consulship of 364 with him and was thus placed for elevation as Jovian's colleague.⁷⁹ Jovian's untimely death prevented the realization of these plans. His successor Valentinian I, after his accession on February 25, 364, in Nicaea, swiftly returned to the practice of sharing power. He appointed his brother as colleague in Constantinople March 28, 364.

SUCCESSFUL AND ATTEMPTED USURPATIONS IN GAUL AND THEIR CAUSES

Scholarship on the causes of usurpation sometimes emphasizes internal, sometimes even unique, problems in Gaul that led usurpers to seize power.⁸⁰ Thus for Magnus Maximus it has been assumed that he either wanted an emperor to reside in Gaul again after Gratian had been absent for a lengthy period,⁸¹ or wanted an emperor like Valentinian I to take the place of the young, inexperienced emperor Gratian.⁸² There is virtually no evidence that problems peculiar to Gaul were the cause of usurpations;⁸³ on the contrary, there is good evidence of problems peculiar to individual rulers at the level of the empire or a part, in this case the West. Constantine, for instance, was able to survive politically and, probably, physically only by succeeding his father; and Julian had to usurp the rank of *augustus* to avoid potentially falling behind a son of Constantius II. Constans, in contrast, was toppled apparently because his behavior and ruling

75 Szidat 2010, 265–266; Szidat 2012.

76 Amm. Marc. 25.8.8–13.

77 For this view, cf. Szidat 2010, 149, 166, 179.

78 For his age, cf. Amm. Marc. 25.10.11–10.17; Them. Or. 5.65a, 71b with den Boeft et al. 1987–2011, XXV, 331.

79 Philost. *Hist. eccl.* 8.8; Them. Or. 5.65a; Theoph. *Chron.* AM 5856 = 1.54.17–18, with Szidat 2010, 166.

80 Among summaries of the situation in the scholarship, cf. on Magnentius Szidat 2010, 224; on Magnus Maximus, Matthews 1975, 175.

81 Matthews 1975, 175, citing Palanque 1929, 33–36.

82 Matthews 1975, 175.

83 On the causes of usurpations generally, cf. Szidat 2010, 224–232; on those particularly of the usurpations in Gaul, cf. Szidat 2010, 224–225.

style caused problems that not only affected Gaul.⁸⁴ Gratian was overthrown because of his preference for Alans and his inexperience as a ruler.⁸⁵ Eugenius was proclaimed because Valentinian II escaped the influence of Arbogast and the limitations he put on his power by suicide, and Arbogast and Theodosius I failed to reach a settlement.⁸⁶

One may also consider the deliberations taken during the serious illness of Valentinian I in early summer 367⁸⁷ as an attempted usurpation. Members of the *comitatus* already thought about a successor in secret.⁸⁸ Some of the Gauls (*convivio occultiore Gallorum*) decided on the *magister memoriae* Sextius Rusticus Iulianus, while another group of them (*aliqui*) favored the *magister militum* Severus.⁸⁹ These deliberations completely ignored Valens' right to nominate a successor in the case of Valentinian's death.⁹⁰ The Gauls in this instance do not represent the interests of Gaul or constitute opposition to Valentinian I.⁹¹ They rather wanted to ensure a smooth transition for the western empire, if Valentinian died.

Special problems in Gaul did not play a part in any successful or attempted usurpation. The problems were rather those that resulted from the reality of multiple emperors or such that applied to the entire western empire, for which usurpation appeared to be the most practical solution. Gaul offered the best conditions: it had an imperial residence, a praetorian prefect, a large part of the

84 On Constans, cf. Aur. Vict. *Caes.* 41.24; Zos. *Nea hist.* 2.41.1 with Paschoud 1971–1989, vol. 2.1, 267, with parallel passages. His homosexuality, the hard discipline to which he subjected the soldiers, and his financial policy were his undoing.

85 Cf. in general Paschoud 1971–1989, vol. 2.2, 411–414. On his preference for Alans, cf. esp. Ps.-Aur. Vict. *Epit.* 47.6; Zos. *Nea hist.* 4.35.2–3. On his inexperience, cf. Amm. Marc. 31.10.18–19; Eunap. *fr.* 57; Ps.-Aur. Vict. *Epit.* 47.5.

86 Cf. Szidat 2010, 221, 265–266, 315 and 2012 *passim*.

87 den Boeft et al. 1987–2011, XXVII, 128–129.

88 Amm. Marc. 27.6.1–3; Zos. *Nea hist.* 4.12.2. Cf. Szidat 2010, 148, 390; Lizzi Testa 2004, 310.

89 For this interpretation, cf. convincingly den Boeft et al. 1987–2011, XXVII, 133–134. Previously the problem was avoided or interpreted in such a way that *aliqui* indicated a faction that put forward a counter-candidate against the Gauls. Cf., e.g., Marié 1984, 119: “À l'encontre des Gaulois, quelques-uns . . .”

90 The *proceresque Gallorum* (Amm. Marc. 25.5.3) should also be viewed as a group whose members came from Gaul; in the debate over the successor to Julian, they joined the side that declared against an emperor from the milieu of the *augustus* Constantius II, Julian's predecessor. These *proceres* cannot be identified individually (cf. den Boeft et al. 1987–2011, XXV, 173). They cannot be viewed as the representatives of special Gallic interests, but rather they sought to guarantee their careers by a favorable choice.

91 Den Boeft et al. 1987–2011, XXVII, 130. Den Boeft qualifies this statement with an unnecessary “probably.” That they also considered the *magister militum* Severus, who apparently was not a Gaul, as a candidate shows that their concern was the western half of the empire. The West would select the future emperor independent of Valens. For attempts to identify the members of this group, cf. Matthews 1989, 272–273. Den Boeft et al. 1987–2011, XXVII, 129–130, regards these attempts with criticism.

field army, and the resources for supplementing or conscripting troops. This was of particular importance. The phenomenon of usurpers is thus unrelated to the presence or absence of emperors in fourth-century Gaul. Constans was in Gaul when he was overthrown, and Gratian was not far away. Circumstances in the fifth century were radically different. The multitude of usurpers then was due to the lack of the emperors' presence.⁹² Gaul was under the threat of barbarian attack and therefore felt neglected.

In the struggles between emperor and usurper, at least twice barbarians were encouraged to attack Gaul by the emperor in order to occupy the usurper's troops. This occurred during the conflict between Constantius II and Magnentius⁹³ as well as during the conflict between Constantius II and Julian.⁹⁴ In the first case, it caused serious harm to Gaul and weakened the Rhine defenses. Constantius II accordingly had to send Julian as *caesar* to Gaul late in 355.

The effort to secure imperial rule in Gaul against uprisings enjoyed only limited success, and the suppression of the three great usurpations in the West that rose up against the rulers in the East took a heavy toll. Usurpers could count on the loyalty of the troops as well as of their subjects, which only at the very end was no longer forthcoming.⁹⁵

CONCLUSION

Gaul's relationship to imperial power in the fourth century was determined by its geographical situation as a border region to Barbaricum, its military role in the struggle against the barbarians, and its significance as the residence of the emperor in the western empire and seat of the praetorian prefect. Its significance in the western empire was in no way inferior to that of Italy.

Imperial rule in fourth-century Gaul was understood as part of the regime of more than one emperor, and there is no trace of a policy different from the interests of the rest of the empire. Usurpation in the fourth century always aimed for power over the entire western empire, that is, a usurper always tried to seize power also over Italy, Africa, and ideally Illyricum. A usurper sought recognition by the emperor in the East. Julian's

⁹² Cf. Szidat 2010, 342–343.

⁹³ For references, cf. Szidat 2003a, 212.

⁹⁴ For references, cf. Szidat 2010, 317–318.

⁹⁵ Cf. Szidat 2003a, 213–214, on loyalty to Magnentius and Szidat 2010, 318–319, on the conflict between Theodosius and Magnus Maximus and later Eugenius. On the Battle at Mursa, cf. esp. Paschoud 2000, vol. 1, 278; on the Battle at the Frigidus, Paschoud 1971–1989, vol. 2.2, 474–500.

successful attempt to take control of the entire empire and Magnentius' and Magnus Maximus' campaigns against the eastern emperor are no exception; they were a necessary consequence of the refusal of the emperor in Constantinople to recognize them as imperial colleagues. Gaul was the decisive territory for ruling over the western empire. To rule over the West, a usurper had to begin in Gaul, not in Africa, Italy, or Illyricum. Coups that took place in these latter regions never resulted in the seizure of power over the western empire.

Alongside the structures mentioned, such as the imperial residence, the prefecture, and the troops of the field army stationed in Gaul, there was also a virtually inexhaustible supply of manpower for recruiting troops. If one disregards the particular political background of individual coups, it is precisely this manpower that must be viewed as an essential reason we find a higher number of usurpations in Gaul than in the East. A usurper in the East had difficulty strengthening his army with new recruits. The effect of the numerous usurpations in Gaul was, naturally, devastation and decline, especially in the areas of Gaul that lay to the north or along the Rhine. The involvement of barbarians in the conflicts here had serious negative consequences.

The allusions in the sources to the readiness of the Gauls and Gallic troops to support usurpations apparently derive from superficial observation of the events. The underlying problems in the relations between the eastern and western halves of the empire are explained away with ethnographic categories, so to speak.

The situation of Gaul changed drastically with the barbarian invasions and settlement on Gallic soil in the fifth century. Gaul became ever less a central part of the western empire, lost its status as residence of the emperors in the West, and fell behind Italy in its importance for the western half of the empire. Northern Gaul in particular suffered general decline, and even the praetorian prefect no longer resided in Trier, but in Arles.⁹⁶ The usurpations that then arose in Gaul or Britain now served Gallic interests and no longer those of the western empire as a whole.⁹⁷

⁹⁶ Heinen 1985, 161–163, offers a brief overview of the scholarship. For a nuanced, recent discussion of this question, cf. Bleckmann 2003, 165–167.

⁹⁷ Cf. Szidat 2010, 228; see also Stroheker 1948, 45–46.

CHRONOLOGICAL OVERVIEW OF USURPERS IN THE
GALLIC PREFECTURE

Allectus	293–296
Constantine	306
Maximian Herculius	310
Magnentius	350–353 (Jan. 18, 350–Aug. 10, 353)
Decentius (<i>caesar</i>)	350–353 (after March 15, 350–Aug. 18, 353)
Silvanus	355 (Aug. 11, 355–Sept. 7, 355)
Julian	360–363 (Feb. 360–June 26/27, 363)
Magnus Maximus	383–388 (early 383–Aug. 28, 388)
Flavius Victor (<i>augustus</i>)	387–388
Eugenius	392–394 (Aug. 22, 392–Sept. 6, 394)

Regional Dynasties and Imperial Court

MICHAEL KULIKOWSKI

ALTHOUGH IT IS NORMAL, AND INDEED PROFOUNDLY NECESSARY, TO break up the historical past into periods that can be studied in a more or less manageable way, many topics are illuminated by deliberately ignoring traditional historiographical boundaries, opening up a broader comparative analysis by considering them across a wider span of time. Roman imperial history is certainly one such example, not least because the habit of imposing a sharp divide between early and later empires at the accession of Diocletian is so deeply ingrained. One need only scan a few representative titles on a bookshelf to see how pervasive the division is. Yet even a moment's casual reflection will reveal how many continuities between second and fourth centuries the traditional periodization tends to obscure. In the same way that there is a pressing need to examine the fifth-century West within its narrower context, in order to minimize the distorting effects of past historiography, so too should we examine the fourth-century empire in the perspective of the "*longue durée*."¹ That is to say, it is sometimes worth considering how the fourth century fits into the sweep of social and political developments that span Roman imperial history, rather than confining oneself to the normal paradigm that sees it as the unique creation of the Tetrarchic and Constantinian periods. It is true that taking too long a view can unnecessarily flatten out large and fundamental differences among different historical periods, but it can also point to genuine trends, whether of continuity or change, that are only visible over centuries.² Two areas in which taking the long view has demonstrably produced new insights into Roman history are onomastics and the epigraphic habit. In the first case, a survey of the

1 In other words, the tendency to view the fifth century as part of a *longue-durée* narrative of barbarian invasion and medieval state formation makes it methodologically imperative to consider it within a rigorously contemporary context; the equal and opposite tendency toward viewing the fourth-century world as part of a separate, late imperial narrative arc means that we have to open it up to a longer, early, and high imperial perspective.

2 One of the most extreme, yet also most successful, examples of such an approach is that of Davies 1996.

evidence for naming patterns has shown that, taken over the long and middle term, the vogue for the *tria nomina* is a short-lived and historically contingent practice that we, and not the Romans themselves, have elevated to an idealized norm.³ In the same way, the global picture of the epigraphic habit looks very different—and tells a very different story—if one traces it from 50 BC to AD 500 rather than from AD 50 to AD 300.⁴

None of that is to deny the necessity of periodization, nor to argue that standard periodizations do not often have powerful utility and real justification. Thus, in the present case, there is a real and basic distinction between the post-Tetrarchic period and earlier centuries, in that the section of government that was directly part of an imperial, rather than a local, hierarchy was dramatically larger.⁵ That brought with it social changes, as did the gradual creation of separate military and civilian hierarchies that had different sets of qualifications for political participation, but an equal share in rank and status, and hence authority.⁶ Nevertheless, and even given this fundamental distinction, the study of regional aristocracies benefits from the sort of long-term analysis noted previously. That is because at one fundamental level, the fourth-century history of regional aristocracies represents a recognizable stage in a long-standing pattern of assimilation and integration by different provincial societies into the larger imperial system. This pattern—which in the Latin-speaking empire corresponds roughly to the chronology of Roman conquest, and in the Greek-speaking provinces to the chronology of Roman administrative centers—dates back to the very beginning of the imperial period (or even before, as in parts of Spain, Narbonensis, and bits of Asia Minor). A great many regional prosopographical studies illustrate these trends.⁷ Here, however, it may be useful to reconsider the evidence from a wider perspective. Doing so might make it possible to reveal the structural preconditions for defining and channeling political and social integration into imperial administration during the fourth century. This chapter therefore concentrates on the long-term patterns of integration by regional aristocracies into the orbit of an

3 Salway 1994.

4 Mrozek 1973 remains useful.

5 The diachronic survey of Jones 1964 remains by far the best appreciation of the sheer scale of late imperial government, but Potter 2004 is now essential for demonstrating the way in which the increasing equestrianization of Severan government led seamlessly into the heavily bureaucratized world of fourth-century administration. Kelly 2004 provides a window onto the *mentalité* of the late Roman bureaucracy.

6 There remain real problems with apportioning the various reforms that create the complexities of fourth-century government among the Tetrarchs, Constantine, and his sons, particularly Constantius II: Seston 1946; Vogler 1979a; Barnes 1982; Demandt et al. 2004.

7 Major prosopographical works include Eck 1970; Demougin 1992; Eck 1993.

administration that reached all the way upward to the imperial court, in a way that suggests precisely how fourth-century conditions fitted into the longer patterns of imperial history, and also why that system created so stable a political landscape in the aftermath of the third century's experience of imperial breakdown.

As just mentioned, it is clear that one key difference between the early and later empires is the proportion of the elite population that took a direct part in imperial administration, or might even expect to have the opportunity to do so. Broadly speaking, the pattern of elite entry into the imperial sphere, as opposed to an essentially local sphere loosely tied to the central administration, corresponds to the date at which a region was conquered by the Roman empire. The process of increasing acculturation, or what is often called Romanization, in regional populations generally coincides with the number of generations that had passed from the initial Roman conquest, though with the caveat that the integrative process seems barely to begin anywhere, Baetica and Narbonensis included, until the first three decades of the last century BC.⁸ The only exception to this pattern is where the geography of a region simply defied the integrative process: heavily mountainous regions seem always to fall outside basic norms observable elsewhere.⁹ Overall, the process of elite integration tracks the progress of transformation from a Roman empire governed by, and exploited for the benefit of, Italians, into a Roman empire made up of provincial Romans. It usually took no more than three generations to render local elites in the West indistinguishable from the municipal elites of Italy, which meant their having both citizenship and the equestrian census.¹⁰ In the West, these facts tended to mean that within four or five generations of the Roman conquest, regions might start to show senators; in the East, the same pattern of senatorial adlection can be noted, but with a very different type of concomitant Romanization, political but not meaningfully cultural. If one looks at the prosopography of both the senatorial and equestrian aristocracy of the first century, one finds men whose origins are narrowly class based, and one can watch the gradual admission of municipal elites, then colonial elites from the

8 The term Romanization is not objectionable in and of itself. Overall, Woolf 1998 is the single best account of the Romanization in the west, but see Fear 1996 on Baetica and Keay 2003 for a survey of more recent archaeological research bearing on the question. For some interesting comments on the heuristic utility of "Romanization" as a concept, see Mattingly 1997. MacMullen 2000 is useful if impressionistic. On the East, see especially Alcock 1997. For acculturation, see Gotter 2000.

9 In general, Eck/Galsterer 1991. For the Balkans, where keeping up with recent research is particularly difficult for Anglophone scholars, see the survey in Wilkes 2005. Dacia, conquered very late and heavily mountainous, exemplifies this: Hanson/Haynes 2004.

10 For Italy, Torelli 1995; Keay/Terrenato 2001.

provinces, finally those whose provincial roots are less obviously colonial or Italian.¹¹ The emperors provide a quick chronological shorthand for the process, from the patrician Claudii, to the municipal Flavians, the colonial Trajan, and the provincial Severus. What this imperial shorthand does not show is the distinctions between senators and equestrians.

Senators are by far the most visible section of the process of regional integration, and their importance cannot be minimized.¹² Nevertheless, the development of a separate equestrian elite that was functionally divided from the senate is of increasing significance from the later first century on. Already under Augustus, the foundation had been laid for a functional distinction where there had previously been a very fluid boundary; the first century saw this division harden, so that senatorial and equestrian castes differed not just in their level of political engagement but rather in their whole life *cursus*. One part of this difference lay in the relationship to the emperor implied by senatorial or equestrian rank. Right through the Antonine period, the accession of families to senatorial rank was usually a matter of introduction to, or acquaintance with, an emperor, personalizing the status in a way that could not help create a senatorial caste. By contrast, the origins of equestrian rank as nothing more than a census category meant that the barriers to entering imperial service as an equestrian were lower, and that entry to an imperial career as an equestrian could take place at a much greater distance, physical or social, from the person of the emperor. As a result, the *ordo equester* not only became more professionalized, but was also dramatically more diverse geographically than was the senatorial. Whereas senators tend to cluster not just in distinct provinces but also in distinct regions within them, the equestrian order spreads more thickly on the ground, throughout what we might call the “civilized” provinces of the empire and even beyond them. Again, one must emphasize that the explanation for this is that the lower reaches of equestrian service could be reached by census qualification and the vagaries of individual patronage, rather than mainly by direct experience of the emperor and admission to his presence.¹³

The corollary of this professionalization of equestrian service was an increasing and necessary reliance upon equestrians, as a group within which talent had greater play than birth. It has recently been argued that what separates the Severan empire from the preceding Antonine period is the unembarrassed acknowledgment of an equestrian elite as the main ministers of state, since members of the

11 The essays collected in Syme 1986 remain an accessible introduction, but see too Demougin 1988 on the equestrian order and the essays in Demougin et al. 1999.

12 Lambrechts 1936; Lambrechts 1937; Talbert 1984; Chastagnol 1992; Eck/Heil 2005.

13 Johne 2008, vol. 2, 737–763. Although the work needs revising, the old prosopography of equestrian procurators in Pflaum 1960–1961, would seem to bear this out.

equestrian order were more numerous and more reliably qualified than senators.¹⁴ It was therefore only a matter of time before equestrians began to look *capaces imperii*, fit to rule, which happened quite abruptly within the space of a generation. Macrinus was able to claim the purple, but not to hold it, and his equestrian rank was clearly part of the problem.¹⁵ The accession of Philip, by contrast, had no such repercussions.¹⁶ In other words, within a generation, equestrian origins had ceased to be objectionable. The fourth century famously remembered this transformation, if the epitomators are to be trusted, as a ban by the wicked Gallienus on senatorial officeholding.¹⁷ This canard, present in just one strand of fourth-century historiography and clearly misreading third-century rank distinctions as if they were post-Constantinian, nevertheless acknowledges the dominance of the equestrian order in the government of the Severan empire.¹⁸

What I have said hitherto may seem to stand at several removes from the consideration of regional aristocracies in the empire of the fourth century. Nevertheless, the professionalization of the equestrian order and its dominant role in governance of the Severan period is of considerable importance for the development of such aristocracies, in more than one way. For one thing, it was equestrian officialdom that for the most part formed the bridge to local administration, whether that meant at the level of municipal *curia* or *boulē*, or in interactions with the bailiffs of imperial and senatorial estates. More numerous and less distant than the senatorial elite, they provided the links that gave local aristocracies access to the imperial superstructure above them. Though we can very rarely trace elite families across the poorly documented watershed of the Constantinian period, where we can do so, we find connections back to regional and equestrian elites of the third century. Even more important than that in the long term, however, was the model of government that equestrian elites provided for the third century. By this I mean the famous militarization of the period, which still remains “die Zeit der Soldatenkaiser” for many scholars.¹⁹ One could legitimately argue that we should understand the rising

14 Potter 2004, 38–82; 125–172.

15 On Macrinus, Potter 2004, 146–150. Analysis of the change is complicated by the fact that the *Historia Augusta* becomes more or less useless as a historical source at precisely this stage.

16 On Philip, Körner 2002. Maximinus I was the first successful equestrian emperor, but his military career path was very different from that of bureaucrats like Macrinus and Philip.

17 Aur. Vict. *Caes.* 33–34.

18 Gallienus’ reign has still not been adequately served by a monographic treatment, but Potter 2004, 241–262, is reliable, while Johne 2008, vol. 1, 223–295, is exhaustive.

19 Witschel 1999 is an important corrective to an approach focused too heavily on military crisis, and one of the other virtues of Potter 2004, despite its lurid subtitle, is to have understood militarization as a function of organic social and cultural developments, rather than—as famously in MacMullen 1976—a response to crisis.

prominence of military officers of varying ranks more as the acknowledgment of equestrianization than as a distinct, even sinister, phenomenon. That is to say, in the military hierarchy as in the equestrian, it was possible to rise on the basis of merit, competence trumping birth and sometimes even personal connections.²⁰ The grudging, and soon the perfectly natural, acceptance of equestrians at the apex of power went hand in hand with, and helped minimize objections to, the rise of a non-senatorial military elite in the Severan period.²¹

That rise has of course been seen traditionally as a response to military crisis, and there is no doubt that at one level it was precisely that.²² Yet it was also more than just that, because the military crisis cannot be the whole story: as many authors have systematically demonstrated, very large parts of the empire simply did not suffer a military crisis, or even much of a crisis of any sort at all.²³ The whole empire, however, experienced the effects of imperial uncertainty and territorial division.²⁴ This experience of division was particularly important in the development of regional elites and for their potential participation in imperial government.²⁵ When the Severan empire broke down into regional blocs, each of them was equally imperial and equally Roman. That is true despite our tendency to privilege the central empire conceptually over other regions and to talk about regional empires as if the multiplication of emperors and centers of imperial government implied a hierarchy among them. Although in constitutional terms the failure of the Roman senate to recognize some of the rivals to Gallienus and his successors did make them usurpers, the principles of legitimation that had previously made an accession acceptable were in flux in this period; we should therefore at least notice that, to choose the obvious examples, all the evidence for Postumus and Vaballathus suggests real ambiguity about their legitimacy, and full acceptance of it in many quarters.²⁶ That regional breakdown of the empire into many equally Roman and equally imperial sections is, one may suggest, essential to understanding what then happened in the fourth century.

20 Davies 1989 demonstrated how this worked in the high imperial army below the rank of centurion, but the major changes of the third century have not yet been fully explained. See, however, de Blois 1976 for the army of Gallienus, and Campbell 2002 for the changing function of the army in the social world of the imperial period.

21 Syme 1971a and 1971b remain both the liveliest and most rigorous introductions to this evidence.

22 MacMullen 1976; Christol 1997.

23 Witschel 1999; Kulikowski 2004, 65–84.

24 Potter 1990 reliably differentiates this political and psychological uncertainty from actual military crisis.

25 Johne 2008, vol. 1, 641–672.

26 Johne 2008, vol. 1, 343–378.

The multiplication of emperors and their establishments created the need for more service elites. These had necessarily to be drawn from a smaller geographical base than previously because individual emperors each had access to just some portions of the whole empire. Just as necessarily, the smaller geographical base from which rival emperors had to work meant a need to dig deeper locally for elite populations able to serve. That, in turn, meant the deeper penetration of imperial, as opposed to urban or municipal, service into the life of the provinces. The fact that Roman civil law methods of administration, and the legal procedures that went with them, became so widely diffused in the third century should not surprise. At one level, it was the result of Caracalla's citizenship edict. The Antonine Constitution may have been no more than the grandiloquent gesture of a megalomaniac *princeps*, but its consequence was to make imperative the practical working out of what it meant for every inhabitant of the empire to have access to Roman law. The universalism that went with this change was articulated by the philosophical jurists like Ulpian, and that too had consequences for fourth-century government, not least the capacity of emperors from the time of the Decian persecution to aspire to uniformity across the empire in ways that would have been unthinkable a hundred years before. The Decian and Valerianic persecutions, after all, combined an unmistakable message of complete uniformity as legitimizing principle, while assuming that the path to that uniformity was a purely managerial problem. They were the epitome of an equestrian mode of activity, while simultaneously an outgrowth of the universalism encoded in Severan actions and aspirations. But if we can interpret the mid-century persecutions as a surprising, but fairly clear-cut, consequence of Severan aspirations, a rather more immediate consequence of Caracalla's edict was the necessity to multiply experts, to ensure that the same legal—and hence administrative—norms could operate wherever the emperor's subjects were subject to Roman law, which was now everywhere. So it is that, already under Severus Alexander, we can see the development of reproducible, universal practices beginning to homogenize vagaries of provincial governance that at times dated back to the moment of a region's incorporation into the empire.

Paradoxically, the breakdown of imperial government in the middle decades of the century actually encouraged, rather than retarded the universalizing of Roman legal and administrative norms that began with the Severans. This was because emperors and their establishments were physically closer to many more people than before, and that is what is most important for our purposes here. Regional breakdown, regionalization of elites, and the deepening penetration of imperial government went together. In Gaul, the Gallic emperors had to draw upon the talents of men not just from Narbonensis, but from regions

north of the Loire that had never contributed much in the way of manpower to imperial as opposed to local government. In the East, the ambivalent role of a man like Vaballathus, and his ability to legitimize himself in Near Eastern as well as Greek terms, did not make his administration less Roman, or retard the process by which Roman law entered Syrian and Levantine practice. Perhaps even more important for the future, the rise of men from the Danubian provinces to dramatic prominence in the latter part of the third century needs to be understood in just this way, and not just, as it often is, in terms of Illyrians making good soldiers; instead, we have to register the pragmatic fact that for more than twenty years—an entire generation's first steps on the *cursus honorum*—the central part of the empire was made up of just Italy, Africa, and Illyricum, from which the whole equestrian basis of the governing and officer classes had to be drawn.²⁷ This fragmentation, a historical accident of third-century government, thus had the effect of accentuating what we might have expected anyway, the rise of a Balkan elite in the third and fourth generation after the Balkan provinces ceased to be more than a military backwater and became integrated into the larger empire as a result of Marcus' Danubian wars.²⁸ When the central imperial government, now dominated by men from the Balkans, reconquered or reintegrated other parts of the empire that had gone their own way for a generation, the Balkan elites remained dominant. But they found, throughout a newly united empire, a whole new set of regions that had developed, in the same way as their own Balkan homelands, the experience of participation in imperial government. The fourth century, as we shall now see, saw the working out of the effects of this change, both in terms of monarchical government and its interaction with newly distinctive regional aristocracies. That is to say, the experience of multiple imperial governments (the "Mehrkaiserherrschaft" of German-language scholarship) both produced the conditions on the ground with which fourth-century emperors had to deal and also gave them the tools they needed to master those conditions and avoid the dislocations of the third century; or to put the same idea slightly differently, fourth-century emperors were able to manage the expectations of newly vigorous regional aristocracies in part by recreating the "Mehrkaiserherrschaft" of the fourth century in a way that did not undermine or compromise the unity of the empire as such.

That solution might well have been impossible if Diocletian had not had the good fortune and skill to hold his throne for more than twenty years, reintegrating the empire's territory under a single regime, if not under a single

27 Potter 2004, 257–298, in some ways the book's central insight.

28 Birley 1987, 159–183; Lenski 2002, 35–45 on Pannonia.

emperor.²⁹ It seems reasonable to emphasize the importance of both luck and skill to this achievement: skill in recognizing that late third-century campaign armies themselves expected to be led by an emperor, and would indeed make their own general emperor if this expectation was not met; skill in finding a system of subordinate emperors, an imperial college, that could simultaneously supply a unified front and give the armies the imperial leadership they wanted; and luck in picking the right subordinates. After all, we ought never to forget how extraordinary it was that Maximian, Galerius, and Constantius should have tolerated their lesser status for so many years, or that even when the first Tetrarchy broke down, every rival claimant to the succession accepted the principle that it was the approval of the senior member of the imperial college (i.e., Galerius) that conferred legitimacy.³⁰ Nevertheless, the reintegration that Diocletian imposed militarily before then attempting to create a single governmental style, could not in itself erase or obviate the developments of the previous fifty years. Rather, it acknowledged them and opened the way for them to continue to function. That is to say, as Diocletian and his co-rulers reimposed control on the various corners of the empire, they discovered a situation in which it was simply not possible to restore the proportions of imperial and local government that had existed in the early Severan period. In Britain, in Gaul, in the Spanish provinces and Africa, in Syria and Anatolia and Egypt, not to mention the Balkans, elite populations had come to expect a part in ruling the empire, not merely as subjects of an imperial government but as participants in it.³¹ Rather than the apex of local hierarchies representing a privileged position as interlocutors with imperial government, those hierarchies continued upward, onto the rungs of an imperial establishment—an imperial establishment which under Diocletian and his co-rulers was no longer as geographically restricted as it had been a decade or two before.

Here is a place where the scholarly habit of separating high and later empires at the accession of Diocletian is fundamentally deceptive. It makes Diocletian—who was undoubtedly a canny and resourceful ruler—into a revolutionary, remaking the empire from first principles.³² That is, his multiplication of provinces and the imperial office, the separation of civilian from

29 Barnes 1982 for the essential data; Demandt et al. 2004 for the most recent analysis.

30 That is why Constantine was never a usurper—Galerius appointed him *caesar* upon his father's death and Constantine thereafter remained legitimate emperor even when claiming the right to the augustan title against Galerius' wishes.

31 One may cite the little we know about the supporters of the Gallic emperors, or indeed for Carausius and Allectus, as evidence for this: Drinkwater 1987 and Casey 1994, respectively.

32 Note the programmatic subtitle of Demandt et al. 2004: "Aspekte einer Zeitenwende," and see Williams 1985 for a traditional account of Diocletian as revolutionary genius.

military government, and the vast expansion of governmental posts become conscious innovations, conventionally analyzed as part of an effort to prevent the recurrence of third-century problems. That analysis, though no doubt true in part, minimizes or ignores the materials with which Diocletian had to work, which is to say, an array of blocs of regional elites who had had the experience of service in a hierarchy that led at however many removes up to an emperor and his court. The gap between local administration and imperial administration had narrowed, while the number of contact points between the two had multiplied and broadened out. There was no way to avoid taking the newfound expectations of these third-century regional elites into account; to have ignored them would have been to court precisely the sort of regional breakdown that had plagued the third century. It was, incidentally, this reality on the ground that helped precipitate the decline of curial government in the fourth century: what looks from one perspective like flight from the *curias*, looks from another perspective like a flight toward a new and better form of political activity, within imperial government.³³

For these reasons, the machinery of government that began to be put in place under Diocletian and the Tetrarchs, and which was entrenched still more firmly under Constantine and Licinius, should be seen as more than just a response to third-century crisis, however important that response might have been. Rather, it should be seen as the working out of the various trends hitherto discussed: the integration of regional elites into the imperial system on a timeline that corresponds to the larger chronology of imperial conquest and urbanization, but an integration that was accelerated by the regional breakdown of the third century; the rise of an imperial service elite in the form of equestrian professionals that decisively tilted the balance of opportunity for power away from the accident of birth; and the expectation of participation in government which the existence of this service elite brought with it. That these trends continued under Diocletian and his successors is a point of fundamental continuity between earlier and later empires. What is more, the Tetrarchic innovation that split military and civilian *cursus* apart was an extension of the principle of professionalization that had grown up since Severan times.³⁴ Some of the stages by which the Diocletianic reforms were solidified and formalized are lost in the evidentiary lacunae of the Constantinian period, and especially

33 A change of perspective along such lines does not, of course, mean that within the contemporary context, what was happening was not perceived as curial flight, i.e., that both those leaving the *curias* and those emperors issuing the vast array of laws to prevent them doing so did indeed envisage such things as an abandonment of local, curial responsibility.

34 Potter 2004, 276–98, 333–347; Johne 2008, vol. 1, 583–672.

in the evidentiary void of Licinian government, a memory hole into which the victory of Constantine sank his rivals' innovations.³⁵ Nevertheless, the new bureaucratic world that emerges in the pages of the Theodosian Code is one whose roots are clearly to be found in the soil of the third century.

Historians of the early empire who turn to the fourth century are immediately struck by the existence of recognizable regional groupings of elites that played an active role as regional cliques in imperial politics. This is an absolute novelty, barely comparable to earlier trends, such as that by which certain regions might often begin to produce their first senators simultaneously. That regions, and regional elites, existed under the early empire is obvious, but whatever small percentage of them chose to leave their regions and function in an empire-wide environment, did so in terms of a single, empire-wide government, not merely as products of their local place. That is why we meet Lusius Quietus at court, not in Libya; Cassius Dio in Rome, not Bithynia.³⁶ In the fourth century, by contrast, there existed a greater space for regional behaviors. Joining the structure of empire-wide government brought with it no necessary element of deracination from regional roots. Because the barriers to entry were lower, and also because the proportionate sizes of imperial as opposed to local government were so different, one could be both provincial aristocrat and imperial official simultaneously with much greater ease. The development of regional aristocracies with regional interests that played themselves out at the court of the emperors is a distinctly late imperial phenomenon: the gradual rise in the number of Baeticans and Narbonensians under Nero and the Flavians did not produce regional factions in the same way that we can identify Pannonian, Frankish, Gallic, Cappadocian, or Tarraconensian groupings in the fourth century. One could not attempt a version of Syme's *Roman Revolution* for the Constantinian era, because the prosopographical evidence does not exist and the epigraphic base on which it would have to rest is unavailable for the period, but one can do so for the later Constantian period right up through the 420s. If one tries, one finds regional and provincial groupings leading to the same sort of alliances over time and space that Syme and his successors have found for the municipal connections of the last century of the Republic.³⁷

A consideration of fourth-century prosopography not only discloses regional groupings but also suggests that frontier regions—those along the *limes* but

35 Potter 2004, 364–377, makes a valuable attempt at rescuing the hidden legacy of Licinius.

36 Jordanescu 1941; Millar 1964.

37 Stroheker 1948 and Matthews 1975 are basic, but see also, for the East, Van Dam 2002a and 2002b.

physically beyond its notional line—should be analyzed in the same way as those within the *limes*, and their regional aristocracies should be understood in the same terms as those within the *limes*. The Alamanni of the Constantian period are a useful test case, though the same exercise works elsewhere along the *limes*, on Rhine and Danube, in Armenia and Arabia, and in Africa.³⁸ A close study of the career paths and the prosopographical connections of men from frontier regions, regardless of which side of the *limes* they came from, demonstrates that these are structurally identical to the sorts of career paths and prosopographical connections that one can trace for members of provincial groups like the Pannonians who came to power with Valentinian or the Gauls who followed Ausonius into office under Gratian.³⁹ The key was not regional origin, but the way that serving as an officer at the imperial court put one into contact both with other officers from distant corners of the empire and also with civilian officials from all over the place.⁴⁰ Once such contacts were made, individual connections spiraled out into networks linking regional elites to one another, often over long distances and in surprisingly symbiotic ways: Franks and Pannonians, Alamanni and Syrians, for instance.⁴¹ Thus the Alamannic careerists like Agilo, Latinus, Scudilo, and Gomoarius whom we meet in Ammianus and elsewhere are in all their behaviors equivalent to members of a provincial aristocracy anywhere in the empire. Agilo's career looks remarkably like that of Valentinian I or indeed of the historian Ammianus Marcellinus.⁴² The latter came from a provincial family that had progressed beyond curial status into imperial service. Ammianus, presumably because of a local connection in the imperial court, began his career as a *protector domesticus*, which only the well connected were allowed to do. He was serving as a *protector* in the same years that Valentinian, Agilo, and many other tribunes and *comites* were gradually being promoted up the chain of command thanks to connections that Ammianus himself seems to have lacked. In other words, not only are the origins and careers of Agilo and Ammianus fundamentally comparable, but Agilo played the game of fourth-century politics better than did his fellow military careerist from Syria. We are used to bracketing men like Agilo off into a separate narrative of barbarians in Roman service, or “Hofgermanen” slowly taking over the empire. Yet the evidence suggests that,

38 For the fourth-century Alamanni in general, see Drinkwater 2007; for the Alamanni and fourth-century politics, Kulikowski forthcoming.

39 For the Pannonians, Matthews 1975, 33–35; Lenski 2002; for the Gauls, Matthews 1975, 56–87; Sivan 1993.

40 Kelly 2004 is useful here.

41 Kulikowski forthcoming.

42 For the career of Ammianus, a very full account appears in Matthews 1989, 1–80, but Barnes 1998, 54–94, is useful and provocative.

practically speaking, Agilo and his compatriots behaved like any other members of a provincial clique and must therefore be analyzed in those terms.

What this means is that during the fourth century, regional dynasties from the “wrong side” of the *limes* could behave identically to those from the “right side” because they represented the final stage in the long-term developments sketched previously. The frontier military regions from which these men came stood, during the fourth century, in the same relationship to the metropolitan centers of empire as the Illyrian and northern Gallic regions had done in the Severan period. Just as the third century, with its regionalized breakdown of administration, witnessed the rise of regional groups that had been practically invisible in the early empire—Danubians most especially—so, in the fourth century, did this process of regional integration into the imperial hierarchy of administration continue, this time to regional elites who lay on the far side of a notional frontier. There were some differences, to be sure, which we cannot afford to minimize—the relative poverty of the infrastructure and the relative absence of a villa culture beyond the Rhine-Danube, for instance, or the impossibility of knowing quite where the *limes* actually lay in Tingitania, Numidia, or Libya. Yet the empirical evidence of fourth-century careers is equally impossible to ignore. Despite the existence of a rhetoric of civilization and barbarism, which could be used as a weapon in political life, no practical distinction existed between members of regional elites from different sides of the *limes*. In the end, this fact should not be thought too surprising. Viewed in the perspective of the long-term, the incorporation of men from the very furthest edges of empire—even from regions which in some ways lay beyond that edge—was merely the latest stage in the long-standing process by which regional aristocracies were assimilated and integrated into the administration of a Roman empire.

It was, simultaneously, part of the phenomenon of contested monarchy with which the present volume is mainly concerned. From the perspective of late Roman elites, the opportunities to participate in an imperial system that emerged from the course of the third-century crisis of imperial legitimacy could not be surrendered in the wake of Diocletian’s restoration of imperial power. And that was the case even though the new political dispensation had its own new vocabulary of imperial legitimation, a vocabulary that worked in both directions, both in the new ways by which the emperor legitimated his position, and in the ways that imperial power could authorize or bestow legitimacy on aristocratic groups that had no great claim to antiquity or status of their own.⁴³ Indeed, as the fourth century progressed, and particularly in the

43 See Schmidt-Hofner and Weisweiler in this volume.

East, a bureaucratic elite wholly dependent on the emperor became ever more entrenched, displacing older *polis*-centered elites by virtue of its access to both the perquisites that imperial service brought with it and, perhaps most important, to the gold *solidi* that were the prestige currency in which real wealth circulated from mid-century onward.⁴⁴

From the imperial point of view, these more thoroughly integrated regional elites provided a basis on which imperial legitimacy itself rested, at least to the extent that it was to a particular emperor to whom the elites turned for the legal basis and symbolic accoutrements of their own power. Perhaps as significantly, this mutually reinforcing system channeled opposition to imperial authority into far more predictable and therefore manageable courses than had been the case during the free-for-all of the third century. The fourth century was just as violent as the third, and though civil wars were less frequent than they had been, they were nevertheless quite commonplace. All the same, this sort of challenge to imperial authority was always very much a challenge to an individual ruler, on grounds—sometimes presumably local or sectional grounds—that are only rarely visible to us. They were conducted in a way that was fundamentally centripetal, unlike the centrifugal warfare of the third century. That is, fourth-century civil wars were conducted within a fundamentally stable system, one in which regime change at one or another imperial court neither necessarily implied the breakup of the empire into component regions, nor even the dissolution of the imperial college, since the possibility of cooptation was always quite real. Neither armies nor bureaucracies had to be purged, nor did any but the most senior or the most culpable supporters need be suppressed along with their emperor, unless doing so would serve some particular exemplary purpose. That fact reveals something quite meaningful about the fourth century: for nearly a hundred years, the basically equestrian solution to problems of imperial legitimacy which Diocletian put in place held strong. It was a solution that noticed and made use of the depth of elite talent across a very large empire in ways that the Augustan and Antonine regimes had never so much as contemplated, but that also increased the scope of that large empire's regionalization. And it succeeded in maintaining unified, indeed bureaucratic, government across that vast empire, in large part by channeling any contestation of the imperial monarchy in ways that allowed for such challenges to be controlled.

44 Kelly 2004 on the service aristocracy; Banaji 2007, without whose analysis the economic basis of this change would remain inexplicable.

PART TWO

Performing the Monarchy

Emperors, Usurpers, and the City of Rome

Performing Power from Diocletian to Theodosius

MARK HUMPHRIES

INTRODUCTION

WHEN THE HISTORIAN SEXTUS AURELIUS VICTOR CAME TO WRITE (circa 360–361) his brief account of the reign of the third-century emperor Philip, he noted with approval how that emperor, after settling affairs in the East, had visited Rome, overseen the construction of a new cistern in Trastevere, and celebrated in 248 the city's millennium with "games of all kinds." Mention of this provided Victor with an opportunity to lament, however, that a century later in 348 the eleventh centenary of the city was celebrated "with none of the customary festivities." For Victor this was emblematic of how concern for the city of Rome was diminishing day by day.¹ This was no mere aside but a statement that, in Victor's view of history, the *cura Romanae urbis* was one of the chief duties of an emperor. Indeed, such solicitude could distinguish even those emperors universally excoriated as bad to the core: not the least of the positive achievements of the *quinquennium Neronis*, for instance, had been that emperor's embellishment of Rome; in like fashion, the early years of Domitian's reign, before he too degenerated into cruelty, were marked by the completion of his father and brother's building projects in the city.² But in Victor's assessment of the past it was not just buildings at Rome that mattered: so too did political arrangements involving the *urbs*. When he came to the civil upheavals that followed the death of the emperor Tacitus in 276, Victor paused to comment that from that point and until his own time, the right of appointing emperors had been snatched away from the senate and was now the preserve of the army.³

1 Aur. Vict. *Caes.* 28.1–2: . . . *Marcus Iulius Philippus Arabs . . . Romam venire; exstructoque trans Tiberim lacu, quod eam partem aquae penuria fatigabat, annum urbis millesimum ludis omnium generum celebrant. Et quoniam nomen admonuit, mea quoque aetate post mille centesimus consule Philippo excessit nullis, ut solet, sollemnibus frequentatus: adeo in dies cura minima Romanae urbis.*

2 Aur. Vict. *Caes.* 5.2 (Nero), 11.4 (Domitian).

3 Aur. Vict. *Caes.* 37.5–7: *Abhinc militaris potentia convaluit ac senatui imperium creandique ius principis ereptum ad nostram memoriam . . .*

In various ways, then, Aurelius Victor regarded Rome as a city that had been toppled from its ancient pre-eminence as a major outlet of imperial patronage and which played little role in the politics of his own day.

This bleak picture is superficially attractive. Certainly for the period from Diocletian (284–305) to Theodosius I (379–395), imperial visits to Rome were a rarity, a circumstance that contrasts markedly with the third century, when even soldier-emperors like Aurelian (270–275) made a point of visiting the city and celebrating major imperial festivals there,⁴ and with the fifth century, when the city became once more a major imperial residence, especially from the reign of Valentinian III (425–455).⁵ Yet the personal absence of emperors from Rome in the fourth century is deceptive, and in many ways the city continued to be a major stage on which the drama of imperial power was played. Malcolm Errington has noted recently that even when an emperor never visited the ancient capital, as was the case with Valentinian I, for example, his authority over the city was still keenly felt. He is surely right to insist that “the level of central control and regulation could hardly have been greater if the emperors were still resident in the city.”⁶ Imperial presences could be asserted in other ways too. One was the residence there of various members of the imperial family, notably, its womenfolk: Gratian’s widow Laeta is known to have organized famine relief during Alaric’s sieges of the city, which presumably implies she lived there and perhaps had done so for much of the time since her husband’s death in 383.⁷ More significant, and more germane to the theme of this volume, however, were the various symbolic presences of the emperor, manifested most ostentatiously in the erection of monuments commemorating their achievements and through the celebration of various imperial festivals.⁸

What I propose to do in this chapter is to set these symbolic presences in a political context. In particular I want to explore the extent to which the city of Rome’s relationship with its emperors was influenced by the periodic outbreaks of usurpation and civil war in the fourth century. I argue that such episodes are crucial to understanding the relationship, both from the perspective of the emperors themselves and from that of Rome’s political elite, the senatorial aristocracy. I suggest that not only did civil war and usurpation constitute an important dynamic for the interaction of Rome with the imperial court but also that they significantly influenced the way imperial power was articulated

4 Curran 2000, 5–26.

5 Gillett 2001; Humphries 2012.

6 Errington 2006, 116.

7 Lançon 2000, 36.

8 Humphries 2007, 29–39.

and received in the city. The editor of this volume has serendipitously given it the title *Contested Monarchy*; as I hope to show in what follows, it was precisely that element of contest that gave relationships between Rome and the emperor in the fourth century much of their distinctive flavor.

CONTINUITIES: CELEBRATIONS OF VICTORIES AND ANNIVERSARIES

In some respects, of course, imperial interaction with Rome continued to reflect entirely traditional concerns—for example, for the maintenance of the city's population, the upkeep and embellishment of its physical fabric, and the celebration there of the emperors as defenders of the empire in the face of its barbarian foes. Instances of these can be provided throughout the period from Diocletian to Theodosius. Since the focus of this article concerns the articulation of power and authority at Rome, let me consider some examples of imperial monuments and ceremonies. The *Relationes* from the urban prefecture of Q. Aurelius Symmachus in 384, for example, refer to numerous manifestations of this trend, such as the hosting of games celebrating recent victories (sometimes with defeated barbarians on display) and the erection of statues celebrating the martial achievements of members of the imperial family, including the now rehabilitated Count Theodosius, father of the eastern emperor.⁹ At times it is possible to catch glimpses of coherent programs of the celebration of imperial achievements in the city. Earlier in his career, for example, Symmachus had been instrumental in articulating for a Roman audience the image of Valentinian I (364–375) as a dutiful defender of the empire when his panegyrics of 369–370 were disseminated at Rome. The victories of Valentinian and his co-emperors Valens and Gratian against the barbarians were celebrated in physical form also in the dedication of the *Pons Valentiniani*, embellished with inscriptions celebrating each emperor in the ruling college with identical victory titles.¹⁰ Another program of monumental construction may be detected under Valentinian's son, Gratian, and his co-emperors Valentinian II and Theodosius I; between 379 and 383 two monuments were erected: one was a portico topped by statues of the emperors in the Forum Romanum; around the same time an arch in honor of the three emperors was erected adjacent to the Pons Aelius.¹¹ None of these emperors had visited Rome during this period

9 Symm. *Rel.* 47 (games and barbarians); 9 and 43 (Count Theodosius).

10 Humphries 2003, 34–35; Lizzi Testa 2004, 447–454.

11 Bauer 1999 (Forum monument); CIL 6.1184 (arch).

(although Theodosius would do so later in 389), but by means of such monumental presences their authority and power was on constant display.

Yet it was not only by means of statues and inscriptions that the presence of these absent emperors was impressed upon the city; there were important ceremonial aspects too. The round of annual festivals recorded in the *Codex Calendar of 354* is regularly punctuated by celebrations in honor of the emperors, including a number of imperial victories that were commemorated as a regular reminder of the rulers' care for the empire. As Michele Salzman and John Curran have noted, there is a particular concentration of victories achieved by members of the ruling Constantinian dynasty.¹² The purpose of such activities was not merely propagandistic, however. If we can extrapolate more broadly from one of Symmachus' comments on the statues erected for Count Theodosius, they were designed to increase the *devotio* of Rome's inhabitants toward their rulers.¹³ Symmachus similarly comments on his duty to report to the court acclamations, including those offered to, among others, members of the imperial college. Taken collectively, then, these monuments and celebrations were part of a dialogue of power between the emperors and their subjects at Rome.

While the emperors' power at Rome was thus symbolically omnipresent, the most ostentatious means of asserting imperial power in the city was through visiting it in person. As noted, imperial residences in the city in the period from Diocletian to Theodosius were rare, but the few visits that are known are suggestive of the dynamics involved. The impulse for imperial visits could be diverse, but like the monuments and ceremonial described previously, many were associated with the celebration of imperial victories and anniversaries. A few examples from the Tetrarchic period demonstrate the general trend. Thus in 299 the western *augustus* Maximian visited Rome following a victory against tribal insurgents in Africa.¹⁴ The next imperial visit to Rome, by Maximian together with the senior *augustus* Diocletian, occurred in 303¹⁵ and was clearly calibrated to coincide with the *vicennalia* of the senior *augustus* and also with the *decennalia* of the *caesares*. The latter is celebrated in the sole surviving fragment of the monumental Tetrarchic remodeling of the Rostra in the Forum Romanum; it is reasonably surmised that the edifice as a whole would have celebrated the Tetrarchic regime in totality, and its inauguration during the imperial visit would have been an appropriate way to mark this

12 Salzman 1990, 131–146; Curran 2000, 223–228.

13 Symm. Rel. 43.2: *ut iustis superiorum ducum titulis praesentium circa vos devotio provocetur*.

14 Barnes 1982, 59.

15 Barnes 1982, 56, 59.

cluster of imperial anniversaries.¹⁶ But the visit of 303 did not solely mark these anniversaries; other celebrations also took place to overlap with them. The brief chronicle of the city of Rome preserved in the *Codex Calendar of 354* notes that the emperors hosted games in the circus, apparently in celebration of the victories won over the Persians by the eastern *caesar* Galerius a few years earlier.¹⁷ In 303, then, the imperial visit served a number of purposes at once, marking imperial anniversaries alongside imperial victories.

While these various displays of imperial power at Rome were evidently calculated to provide the city's inhabitants with ostentatious reminders of the authority of the ruling emperors, it should not be assumed that they were received supinely by a passive audience. On the contrary, there is enough scattered evidence to suggest that affirmations of imperial authority, whether by the emperors in person or symbolically when they were residing elsewhere, could provide flashpoints of confrontation and contest. Lactantius implies that Diocletian's visit in 303 was marred by the Romans' freedom of speech, perhaps an indication that far from receiving him with adoration they used the opportunity of his presence to air various grievances; similar protests are implied in 326, when Zosimus, presumably repeating Eunapius, asserts that Rome's pagans protested against Constantine's refusal to ascend the Capitol to mark his *vicennalia* in 326, and once more in 357 when Roman Christians protested against Constantius II's exile (to Thrace in 355) of the city's bishop, Liberius.¹⁸

Even the symbolic presence of the emperor could provoke resistance. Zosimus (presumably deriving his information from his source Eunapius of Sardis) records that in 306, when images of the recently proclaimed Constantine were displayed at Rome, they had the effect of provoking the seizure of power in the city by Maxentius, son of the former *augustus* Maximian.¹⁹ It is important to bear these challenges to imperial power in mind, for they help to explain why certain sections of Rome's population could defy their emperors and lend their support to usurpers. To this subject we turn now in more detail.

¹⁶ Kuhoff 2001, 230–245.

¹⁷ *Chron. urb. Rom.* 148 (ed. Mommsen 1892).

¹⁸ On Diocletian, see Lact. *Mort. pers.* 17.1: *Quibus sollemnibus celebratis cum libertatem populi Romani ferre non poterat, impatiens et aeger animi prorupit ex urbe impendentibus Kalendis Ianuariis, quibus illi nonus consultatus deferebatur.* For Constantine, see Zos. *Nea Hist.* 2.29.1–5. On Constantius II, our source is the often unreliable Theodoret, *Hist. eccl.* 2.14; however, his account coheres with what else is known about fractious ecclesiastical politics of Rome at this time: Curran 2000, 129–135.

¹⁹ Discussion in Humphries 2008.

INNOVATIONS: CIVIL-WAR VICTORY, IMPERIAL
IDEOLOGY, AND VISITS TO *URBS ROMA*

While the celebration of victories over foreign foes and of imperial anniversaries were quite traditional elements in the performance of power and were in large measure inherited by Late Antiquity from earlier periods, it is abundantly clear that the fourth century saw a new element creeping into the practice: the celebration of victories over usurpers. As Michael McCormick noted some time ago, the celebration of victories over civil-war enemies, on the one hand, and over barbarians, on the other hand, were subtly elided so as to overlap and become in many ways indistinguishable.²⁰ Yet at Rome, the marking of such victories seems to have been politically highly charged. For this there are three chief reasons: first, the timing of imperial visits in the aftermath of such victories; second, the ways these victories were marked and commemorated at Rome; and third, the involvement of Roman senators in episodes of civil war.

Consider first the occasions on which imperial visits occurred. After the visit of Diocletian and Maximian in 303 and down to the death of Theodosius I in 395, the major and most securely attested visits by emperors to Rome were as follows: Constantine visited the city three times, in 312–313, again in 315, and a third and final time in 326; his son Constans may have visited the city in 340; Constantius II visited in April and May of 357; and Theodosius spent a lengthy spell in the city during the summer of 389. In some cases, the celebration of imperial anniversaries or victories over barbarians can be seen as part of the motivating impulse: Constantine's visits of 315 and 326, for example, coincided (more or less) with his *decennalia* and *vicennalia*, respectively; that of Constantius II, as the speech delivered on the occasion by Themistius makes clear, provided an occasion on which to celebrate his victories on a number of frontiers. But altogether more significantly, the majority of these major imperial visits to Rome came in the wake of recent victories in civil war. Constantine's visit in 312–313 followed immediately on his victory over Maxentius at the Milvian Bridge; that of 326 came only two years after his defeat of Licinius in 324. The possible visit by Constans in 340 may have followed his defeat of his elder brother Constantine II in that year, although the precise chronology of Constans' movements at this time is almost impossible to reconstruct with certainty. We are on surer ground with Constantius II in 357, whose visit to Rome, as we shall see presently, was clearly connected with this defeat of the usurper Magnentius (350–353). So too Theodosius' visit in 389 was linked to his victory

²⁰ McCormick 1986, 80–83. On this development, see also the contribution of Johannes Wienand to this volume.

over the usurper Magnus Maximus the previous year. In short, the majority of the very rare imperial visits to Rome in the fourth century were undertaken shortly after the emperors in question had achieved victories in civil conflicts. Moreover, in the visits of 312–313, 357, and 389, precisely such a victory in civil conflict formed the focus of the imperial ceremonies and in many cases the subsequent commemoration of them, performed in the city. Let me take them in order.

Constantine in 312–313

Constantine entered Rome on October 29, 312, the day after his victory over Maxentius. Maxentius had ruled Rome as *de facto* emperor for six years precisely, so Constantine's entry, and various actions undertaken in its immediate aftermath, were calculated to destroy the legitimacy of Maxentius' regime.²¹ Thus the defeated emperor's head was paraded through Rome on the day of Constantine's entry (and subsequently was dispatched to Africa, where Maxentius' regime had intervened brutally in suppressing the revolt of Domitius Alexander). Such ceremonial vilification of Maxentius was underscored by Constantine's early interventions in Rome's topography.²² Most notably, Maxentius' new basilica at the eastern end of the Via Sacra was re-oriented and dedicated in Constantine's name. Nearby a triumphal arch was erected to celebrate the victory of 312: it was dedicated in 315 to coincide with Constantine's *decennalia* (and, as the inscriptions below the Hadrianic tondi show, in anticipation of his *vicennalia*). Thus it shows the overlapping and indeed interweaving of the commemoration of a civil-war victory with celebrations of other imperial achievements—in this case, imperial anniversaries: the decorative and epigraphic scheme of the arch focused on the campaign of 312; the ousting of the regime of Maxentius, now designated as a nameless tyrant; and Constantine's liberation of the city and reestablishment of peace. The marking of the imperial anniversaries underscored this, since by marking Constantine's *decennalia* they effectively erased Maxentius' six-year rule from public memory and retrospectively recognized that Constantine had been legitimate *augustus* at Rome from the moment of his proclamation at York in July 306.²³

Moreover, the celebration of this victory was not restricted to its immediate aftermath. The *Codex Calendar of 354* marks October 28 as *evictio tyranni* and October 29 as the day of Constantine's *adventus* into the city.²⁴ Even forty-two

21 For what follows, see Humphries 2008, 93–97, with further references.

22 In general, see Curran 2000.

23 Humphries 2008.

24 Salzman 1990, 141; Curran 2000, 225.

years later, Constantine's civil-war victory over Maxentius was still remembered. Thus we see a number of features coinciding in the celebration and commemoration of the defeat of Maxentius: imperial *adventus* and triumphal ceremonial near the time of the victory itself; commemoration of the victory through monuments that emphasized the legitimacy of Constantine; and remembrance of the victory and triumphal *adventus* as part of the round of regular festivals in the city's calendar. Furthermore, it seems that Constantine's victory over Licinius was commemorated too, since the Calendar also lists *fugato Licinio* under July 3, thus commemorating the anniversary of his flight after his defeat by Constantine at Adrianople in 324.²⁵ No imperial visit can be linked specifically to this event, although Constantine's *vicennalia* celebration at Rome in 326 commenced only a couple of weeks after the commemoration.²⁶

Constantius II in 357

While Constantine had entered Rome the day after his victory over Maxentius, it would be some four years before his son Constantius II would enter the ancient capital after his final victory over Magnentius in 353.²⁷ It is possible, but by no means certain, that the delay may have allowed for the visit to coincide with Constantius' *vicennalia*.²⁸ Yet the surviving documentation makes clear that the visit's chief purpose was to celebrate the defeat of Magnentius. That is what underlies Ammianus Marcellinus' damning portrait of the visit as an inappropriate celebration of a victory achieved by the shedding of Roman blood.²⁹ A more positive portrayal survives in the oration delivered at Rome during the imperial visit by Themistius, who had traveled to the old capital from Constantinople specifically for this event. His panegyric, like others of its ilk, subtly elides the distinction between victory over barbarians and victory over usurpers.³⁰ Furthermore, certain aspects of the visit of 357 evoked that of Constantine in 312. First, there was the ceremonial entry (*adventus*) into the city: Ammianus' vivid account leaves us in little doubt about its splendor, describing Constantius approaching Rome in military array as if seeking to overawe the Rhine or the Euphrates; his treatment, it has been

25 Salzman 1990, 141; for the defeat of Licinius at Adrianople on 3 July 324, see Barnes 1982, 75.

26 The date of Constantine's entry to Rome in 326 occurred on either 18 or 21 July: see Barnes 1982, 77.

27 Basic account in Klein 1979b.

28 The evidence is inconclusive: see Heather/Moncur 2001, 118–119; Errington 2000.

29 Amm. Marc. 16.10 *passim*; see further Humphries (forthcoming a) for an analysis of this aspect of the depiction.

30 Them. Or. 3.43a–c. On the date and purpose of the speech, see Errington 2000; Heather/Moncur 2001.

noticed, is evocative of the *adventus* scene depicted in the frieze on the Arch of Constantine.³¹ Second, preparations were made for a monumental commemoration of Constantius' victory, just as the Arch of Constantine had earlier provided a tangible reminder of the defeat of Maxentius. At Constantius' order, an Egyptian obelisk—the largest ever to be erected in Rome—was to be transported to the city and set up in the Circus Maximus. Ammianus' account implies that the dedication of the monument did not coincide with the emperor's visit; but it cannot have been erected long after his departure, since the prefect named in the dedicatory inscription that decorated its plinth was in office in 357. This inscription made abundantly clear the purpose of the monument as a trophy to celebrate the ousting of Magnentius' tyranny.³² Even before the obelisk was set up, however, the Circus Maximus may already have hosted a celebration of this civil-war victory, since Constantius held games there: although none of our sources explicitly mentions that these games were a celebration of the toppling of Magnentius, their occurrence in a visit saturated with references to Constantius' restoration of legitimate imperial order makes such a celebration very probable.³³

It should be noted also that the tenor of the imperial visit of 357 had been anticipated in the years following Constantius' initial victory over Magnentius at Mursa in Illyricum in 351. Already in 352–353 the urban prefect Naeratius Cerealis had erected an equestrian statue of Constantius between the curia and the arch of Septimius Severus; on its base, an inscription celebrated Constantius as the *extinctor pestiferae tyrannidis*.³⁴ It was perhaps around the same time that dedications previously set up in honor of Magnentius at the Baths of Titus were defaced.³⁵ A similar agenda can be detected behind the presentation of recent events in the *Codex Calendar of 354*. Not only does it include the famous portraits of Constantius and the *caesar* Gallus as consuls for 354, but also its list of consular fasti has removed any mention of the consuls appointed in the West by Magnentius in 351, 352, and 353, and has reinstated those appointed by Constantius II in the East.³⁶ Thus, even before the emperor's arrival, his restored legitimacy (and, by implication, the illegitimacy of his rival) was being affirmed by loyal servants in the *urbs*.

31 Amm. Marc. 16.10. For the parallels with the Arch of Constantine, see MacCormack 1981.

32 CIL 6.1163; cf. Kelly 2008, 225–230, and Humphries (forthcoming a).

33 Amm. Marc. 16.10.

34 CIL 6.1158; cf. Humphries 2003, 38.

35 Cf. Humphries 2003.

36 Salzman 1990, 34–35 (portraits of Constantius and Gallus), 38 (revised consular lists for 351–353).

There are thus striking parallels between the commemoration of Constantine's victory over Maxentius and that of Constantius over Magnentius. The only detail we lack concerns later commemoration, of the sort mentioned by the *Codex Calendar of 354* for the defeats of Maxentius and Licinius. But the emphasis placed on Constantius' victory over Magnentius already in Cerealis' statue of 352–353, in the calendar in 354, and again in 357 during the visit itself, together with the celebration of the extinction of tyranny on the base of the obelisk in the Circus, makes some such regular commemoration a possibility. Certainly, the defeat of Magnentius was one that Constantius celebrated elsewhere than at Rome, as is implied by Ammianus' critical comment that the victory was marked also by monuments erected in the Gallic and Danubian provinces.³⁷ If only we had a *Codex Calendar of 358*!

Theodosius I in 389

The final fourth-century imperial visit to Rome for which we have unequivocal evidence is that lengthy residence—extending from June to August—by Theodosius I in 389 following his victory the previous year over Magnus Maximus.³⁸ As in 312 and 357, the emperor and his retinue made a ceremonial entry into the city, described by the Gallic panegyrist Pacatus;³⁹ once again, as in 312, it seems that the usurper's severed head was paraded through the city.⁴⁰ Indeed, Pacatus' panegyric was delivered, like that by Themistius in 357, as part of the celebrations attending the visit, and like the earlier speech dwelt on the theme of victory over the usurper while also alluding to Theodosius' successes against the barbarians in the Balkans.⁴¹ Once more, too, monuments were erected to commemorate the restoration of legitimate government after the defeat of the tyrant. That had happened already in the months immediately following Theodosius' victory when the new *praefectus urbi*, the historian Sextus Aurelius Victor with whom we began, erected a statue of Theodosius in the Forum of Trajan.⁴² Victor's successor as prefect, Ceionius Rufius Albinus, continued the trend. Not only did he erect a statue of Theodosius' mother Thermantia (thus continuing the embellishment of Rome with statues of antecedents of the new legitimate dynasty, a process begun when Symmachus erected statues of Count Theodosius in 384), but more significantly, and in a

37 Amm. Marc. 21.16.15.

38 Excellent recent analysis in Errington 2006, 134–138.

39 On this, see Christopher Kelly's contribution to this volume.

40 *Pan. lat.* 2(12).45.2. Cite other sources on Maximus' decapitation.

41 *Pan. lat.* 2(12).34–46 (vs. Magnus Maximus), 32.3–5 (subduing barbarians).

42 CIL 6.1186.

move that echoed Naeratius Cerealis' equestrian statue of Constantius II, he erected outside the curia a trio of statues of the restored legitimate emperors Valentinian II, Theodosius, and Arcadius; each stood on a base emblazoned with near identical inscriptions (the only variation being the emperor's name) proclaiming each emperor as *extinctor tyrannorum*.⁴³ Finally, we learn from a surprising source that this victory over Maximus was accorded an annual commemoration just like the defeat of Maxentius in 312: writing in the sixth century, Procopius describes a festival celebrating the victory over Maximus as if it were still being observed.⁴⁴

The imperial visits of 312, 357, and 389, therefore, boast remarkable similarities that are suggestive of an emerging pattern for such episodes: triumphal ceremonial comprising *adventus*, games, and so on; panegyrics celebrating the restoration of legitimate government; the erection of monuments proclaiming that restoration and condemning the defeated usurpers as nameless tyrants; and in a number of cases at least, the commemoration of the victory as part of Rome's civic calendar. It is certainly the case that such victories were proclaimed outside Rome. Constantine's defeat of Maxentius involved not only the display of his head in north Africa, but epigraphic commemoration of the victory is also attested at various locations in Italy and Africa;⁴⁵ Constantius' vanquishing of Magnentius was, as has been seen, commemorated with monuments in Gaul and the Balkans; and Theodosius' victory over Maximus was commemorated not only at Rome, but also at Constantinople in the obelisk erected in the city's hippodrome by its prefect Proculus and very likely in an embellishment of the city's Golden Gate as a triumphal arch to commemorate the victory.⁴⁶ While such evidence from the rest of the empire suggests a more general observation and commemoration of victories over usurpers, there is good reason to suspect that the remarkable consistency displayed by the commemorations at Rome reflects peculiar local circumstances. I turn to this now.

ROME BETWEEN EMPERORS AND USURPERS

It is a particular feature of the usurpations of Maxentius, Magnentius, and Magnus Maximus that elements of Rome's population, including members of its senatorial aristocracy, had supported the rebel regimes. This provides a context for understanding the subsequent imperial visits. Of these, the case of 312

43 CIL 6.36960 (Thermantia); CIL 6.31413, 31414, 36959 (Valentinian II, Theodosius, and Arcadius as *extinctores tyrannorum*); cf. Errington 2006, 135; Humphries 2003, 36–38.

44 Procop. *Hist.* 3.4.16.

45 Humphries 2008.

46 Proculus' obelisk: CIL 3.737. Renovation of the Golden Gate: Bardill 1999.

perhaps requires least discussion, in that Constantine's entry into Rome was the natural sequel of his having won a victory before the city's walls. Maxentius' six years in Rome had seen him make significant efforts to advertise his devotion to Roman traditions.⁴⁷ The nature of his relationship with Rome's population is difficult to recover, not least because comments in the sources clearly reflect a post-Milvian bridge concern by the Constantinian party to depict Maxentius as a stock tyrant.⁴⁸ Even so, it has been suggested—for example, in connection with his dealings with the Roman Church—that part of Constantine's challenge in the aftermath of his victory was reaching a working relationship with various sections of metropolitan society that had by this point reached a *modus vivendi* with Maxentius' regime.⁴⁹ The energy with which Maxentius' memory was suppressed and Constantine's legitimacy affirmed attests to the determination of the new regime to eradicate any trace of its predecessor; the necessity of doing so perhaps indicates that in spite of the post-312 propaganda, Maxentius' regime had enjoyed support in the city, and this needed to be expunged.

By contrast, the visits of 357 and 389 demand closer scrutiny, since both required that the imperial entourage make a significant detour in order to visit the city.⁵⁰ The usurpation of Magnentius had been associated with considerable upheavals at Rome. His ousting of Constans in Gaul in January 350 had provoked a number of knee-jerk reactions in other parts of the West, such as the proclamation of Vetrano as emperor in the Balkans.⁵¹ At Rome, on June 3, a minor member of the Constantinian dynasty, Nepotianus, similarly seized power and held it for some twenty-eight days.⁵² Details of the episode are sketchy, but the sources are unanimous in presenting it as one associated with considerable violence. In the end, Nepotianus was ousted by forces sent to Rome by Magnentius. According to Eutropius, Magnentius' seizure of Rome was accompanied by further violence: Nepotianus' head—like that of Maxentius in 312 and, subsequently, that of Magnus Maximus in 389—was paraded through the city on a pike, while there were bloody reprisals among Nepotian's supporters, including aristocrats.⁵³

47 Cullhed 1994, 32–74 *passim*.

48 Humphries 2008.

49 Leadbetter 2002.

50 Constantius traveled to Rome after an extended residence at Milan and campaigns on the upper Rhine: Barnes 1993, 221–222; Theodosius had likewise been in northern Italy following his victories over Magnus Maximus in the northwestern Balkans and the subsequent capture and execution of the usurper at Aquileia during the late summer of 388: Errington 2006, 37.

51 For the events of 350, see Barnes 1993; Humphries (forthcoming b).

52 The sources are set out in PLRE 1, 624 (Nepotianus 5); discussion in Lizzi Testa 2004, 43–45.

53 Eutr. 10.11: *caput eius pilo per urbem circumlatum est, gravissimaeque proscriptiones et nobilium caedes fuerunt*.

It is presumably in this context that we find Magnentius beginning an association with significant personae from among the senate. Chief among these was Fabius Titianus, a consul in 337, prefect of Rome in 339–341, and then praetorian prefect under Constans in Gaul from 341 until at least November 349.⁵⁴ It is possible that Titianus was still holding that prefecture when Magnentius seized power, and if so he changed sides to the usurper with alacrity. By February 27, 350, and so just more than a month since Magnentius' revolt, Titianus had been appointed to a second urban prefecture at Rome, a post he held until the end of February or the beginning of March the following year, at which point he seems to have joined Magnentius' entourage and to have served as envoy between the usurper and Constantius before the battle of Mursa in autumn 351. It is perhaps likely that Titianus was part of the Magnentian force that wrested Rome from Nepotianus in the summer of 350. Certainly, in the aftermath of Magnentius' seizure of Rome, Titianus was involved in promoting the usurper's legitimacy in the city: two defaced inscriptions from the Aventine were erected by Titianus in Magnentius' honor. For the next eighteen months, the list of urban prefects in the *Codex Calendar of 354* suggests a rapid succession of officials, few of whom are as well attested as Fabius Titianus.⁵⁵ His immediate successor, from March 1 to May 12, 351, was Aurelius Celsinus, who, interestingly, had also succeeded Titianus to the prefecture in 341; this may be suggestive of a family connection that Magnentius, perhaps at the urging of Titianus, was keen to exploit. In any case, Celsinus was in other ways distinguished, having held the proconsulship of Africa in 338–339. Then comes the ephemeral Celius Probatas (May 12 to June 7), about whom nothing else is known. Next there is Clodius Celsinus Adelphius, best known as husband to the poetess Proba; he had also served in a number of administrative posts, as a corrector in southern Italy and as a proconsul (perhaps in Africa). In turn he was succeeded, from December 18, 351, until September 9, 352, by Lucius Aradius Valerius Proculus Populonium; Populonium too was a distinguished senator, having held the urban prefecture already in 337–338 and the consulship in 340. The last urban prefect under Magnentius, Septimius Mnaesa, held office for only a few weeks (September 9–26) and is not known to have held office otherwise. The abrupt end of his tenure probably coincides with the seizure of Italy by Constantius, for the next urban prefect, Naeradius Cerealis, in office from September 352 until December 353, was already by this stage firmly connected

54 For what follows, see the sources and discussion in PLRE 1, 918–19 (Titianus 6), and Chastagnol 1962, 107–111.

55 Discussion of the prefects of 351–352, see Chastagnol 1962, 131–135; Salzman 1990, 210–211.

with Constantius' court and would soon be responsible, as we have seen, for erecting the equestrian statue of Constantius in the Forum Romanum.⁵⁶

Excluding the ephemeral figures of Celius Probat and Septimius Mnaesa, Magnentius' urban prefects were recruited from distinguished senators, comprising consulars, civil administrators, and three former *praefecti urbi*. It seems clear, then, that some sections of the senate, in spite of having enjoyed high office and distinction under Constans, had shown little reluctance in throwing in their lot with the usurper. This, together with the upheavals associated with the brief reign of Nepotianus, is a good indication of the impact that Magnentius' usurpation had on the city. In such circumstances, Constantius' reasons for visiting Rome, and to make that visit one explicitly associated with the restoration of legitimate government after the overthrow of Magnentius, can be readily appreciated.

Similar circumstances can be seen also to have lain behind Theodosius' decision to visit Rome in 389, for once again some distinguished Romans seem to have allied themselves with the regime of Magnus Maximus. That Maximus had sought favor at Rome even before his invasion of Italy in 387 is suggested by his correspondence with Pope Siricius.⁵⁷ After Maximus' seizure of Italy, there was a change in the urban prefecture, with the post now being occupied by Sextius Rusticus Julianus.⁵⁸ His origins are obscure but were plainly not senatorial. Nevertheless, he had risen in the ranks of the imperial service under Valentinian I, serving as *magister memoriae* in 367 and proconsul of Africa in 371–373. Through such offices, he acquired some distinction, not least during Valentinian's serious illness in 367 when Julianus was one of the candidates proposed for the throne should Valentinian have died. Moreover, and in spite of his humble origins, he enjoyed senatorial connections, receiving nine letters from Symmachus between 370 and 388, making him, in some respects, a reasonable choice for the urban prefecture. It was, however, Julianus' senatorial correspondent Symmachus who was to be the most distinguished Roman aristocratic supporter of Maximus. It was Symmachus who pronounced a panegyric on Maximus at the celebrations for Maximus' consulship on January 1, 388—an impressive *volte face*, given that Symmachus had performed exactly the same service to Valentinian II at Milan precisely one year earlier. How many other senators supported Maximus cannot be known, but given Symmachus' status in the senate, his transgression surely raised

⁵⁶ Cerealis had participated in Constantius' investigation into the case of bishop at place in 351.

⁵⁷ *Coll. Avell.* 40, with Errington 2006, 211.

⁵⁸ For his career and connections, see Chastagnol 1962, 230–232; PLRE 1, 479–480 (Julianus 37); Errington 2006, 133.

questions about the loyalties of the body as a whole. Of course, Symmachus was to weather the storm and was ostentatiously forgiven by Theodosius, to whom he now delivered another panegyric, and from whom he received the honor of a posterior consulship in 391.⁵⁹

Through such actions, Theodosius was able to reach an accommodation with the senate after the uncertainties of 387–388. The visit to Rome in 389 will have been key to his success. Already by the time the emperor visited Rome, the first post-Maximus *praefectus urbi* Aurelius Victor had erected a statue of Theodosius in the Forum of Trajan with an inscription that extolled Theodosius' *clementia*, *sanctitudo*, and *munificentia* as exceeding that of all previous emperors.⁶⁰ The easy manner with which Theodosius conducted himself at Rome, so vividly described in Pacatus' panegyric, and his forgiveness of Symmachus gave an ostentatious display of those virtues.⁶¹ Even so, the three statues of Theodosius, Valentinian II, and Arcadius that rose outside the curia and proclaimed the restored emperors as *extinctores tyrannorum* presented a harder image of Theodosius' dealings with Rome and of the need to remind its fickle senators about the rights and wrongs of imperial legitimacy. Pacatus offers a thumbnail description of the display of images showing the grim fate of the defeated usurper, their purpose to warn anyone against raising the banner of revolt.⁶² There was, then, a stern message to be read in the statues, images, and Maximus' head itself. But it was a message to which some senators would prove remarkably unreceptive: when Rome was next presented with a usurper, Eugenius, distinguished senators, chief among the Nicomachi Flaviani father and son, again sided with the rebellious regime.⁶³ This time, however, once the usurper had been ousted, the imperial administration was not so rapidly forgiving. Following the defeat of Eugenius in 394, there is a marked change in the character of the administration of Rome, and at first no prefect was appointed, but the government of the city was overseen instead by Fabius Pasiphilus, *agens vicem praefectorum praetorio et urbi*. The next few prefects were mainly provincial candidates or men who owed their distinction to having risen through the ranks of the administration. While Romans of Rome might win other distinctions, such as the consulship, it would be a few years before one was

59 See the sources collected in PLRE 1, 865–70 (Symmachus 4, esp. at p. 868); discussion in Errington 2006, 135–136; Humphries 2003. On Symmachus and Theodosius, see also Christopher Kelly's contribution to this volume.

60 CIL 6.1186: *[ve]terum principum clementiam [sa]nctitudinem munificentiam supergresso d n fl Theodosio*.

61 *Pan. lat.* 2(12).45.5–7.

62 *Pan. lat.* 2(12).45.1–2.

63 Hedrick 2000.

entrusted with the urban prefecture again, and even longer before they once more dominated it as they had done in the fourth century.⁶⁴

It can be seen, then, that episodes of usurpation presented a challenge to the emperors' relationship with Rome. The participation of Roman senators in such revolts can be demonstrated with certainty for Magnentius (and Nepotianus), Magnus Maximus, and Eugenius; they are probable also under Maxentius. In the cases of Magnentius and Maximus in particular, it is clear that the usurpers were successful in securing support from some very distinguished senators. It is surely no accident that both episodes provoked the emperors to make rare visits to Rome: the potential for treachery among the city's aristocratic elite made such expeditions necessary, and while in 389 much was made on both sides of the emperor's clemency toward supporters of Maximus, Theodosius, like Constantius II before him, did not shy from using his visit to make an ostentatious display of his own legitimacy and of the illegitimacy of the usurper who had opposed him. Lessons were to be taught about the nature of misplaced loyalty, however reluctant to learn some of the students, such as the Nicomachi Flaviani, proved to be. Indeed, such lessons could be taught directly from the emperor's own lips: one of the centerpieces of imperial *adventus* at Rome was the emperor's speech to the senate.⁶⁵

USURPATION AND THE CONTESTED MONARCHY

Usurpation was, then, an important factor in the ways in which relationships between the city of Rome and the emperor operated. Moreover, it is possible to see reflections of this dynamic in literary sources of the period. I began with Sextus Aurelius Victor's lament about the neglect of Rome in his own day. Victor's work, dating from the very end of Constantius II's reign, was keenly appreciative of the threat posed to imperial stability by usurpation and civil war, and at various junctures, not least in his account of Septimius Severus' civil conflicts, passes comment on the increased incidence of such episodes in his own day.⁶⁶ This was a perspective plainly shared by other writers of the time.⁶⁷ It is particularly striking, moreover, that such concerns were being

64 For the years immediately following Eugenius' defeat, see Matthews 1975, 259–256, correcting *passim* some of the assumptions made in Chastagnol 1962, 244–253; see also Mazzarino 1942, 257–261. On the re-emergence of senatorial dominance of the PVR in the fifth century, see Humphries 2012.

65 For speeches to the senate, see *Pan. lat.* 12(9).19.1–20.4 (Constantine in 312); *Amm. Marc.* 16.10.13 (Constantius in 357); *Pan. lat.* 2(12).47.2–3 (Theodosius in 389).

66 *Aur. Vict. Caes.* 20.11–13.

67 Burgess 1993, esp. 492–494; Elbern 1984, *passim*. For a more detailed appraisal, see Humphries (forthcoming b).

reflected particularly routinely by authors who were active at Rome at the end of the fourth century, in a city where usurpers had repeatedly found (and would continue to find) willing supporters. The Christian author known as Ambrosiaster, writing at Rome in, very likely, the 370s and early 380s, seamlessly weaves into his discussions of the power of the Devil tropes derived from the language deployed to excoriate usurpers as *tyranni*.⁶⁸ The *Historia Augusta* displays an uncommon obsession with usurpers, devoting biographies both to historical and invented ones.⁶⁹ But probably our most significant source is Ammianus Marcellinus, active at Rome in precisely those years that saw the usurpation of Maximus, his defeat by Theodosius, and Theodosius' visit to Rome. Of these events, Ammianus had little direct to say, although some have detected in his account of 357 a subversive commentary on 389.⁷⁰ Even if we discount the possibility that the description of Constantius is Theodosius in disguise, it is nevertheless striking that Ammianus' account of 357 provides him with an opportunity to meditate on the very nature of an emperor's duties.⁷¹ On Constantius' visit he is scathing: the visit with its triumphal overtones is inappropriate since it celebrates a victory over Roman blood. Elsewhere, Ammianus is damning about Constantius' anxieties about threats of usurpation. In stark contrast stand emperors who devote themselves not to becoming embroiled in civil war but rather to the defense of the empire. The most obvious example is Julian, who, even as *caesar*, contrasts with Constantius for precisely these reasons.⁷² Another instance is provided by Valentinian I who, rather than confront his brother Valens' rival, the usurper Procopius, chose instead to remain in the West and oversee its defense—a choice that Ammianus' applauds as the right one.⁷³ In Ammianus' view, devotion to imperial defense was a more worthy activity for emperors than becoming embroiled in civil wars. These are startling comments from an author writing in a city that had recently seen the outcome of such a civil conflict; but they are perhaps not unexpected from a historian who chose to close his work with the immediate aftermath of Adrianople: an object lesson in why it was important not to become distracted by internecine strife at the expense of maintaining the empire's defenses.⁷⁴ Such comments on

68 Lunn-Rockliffe 2007, 12–17 (date and location), 171–174 (on usurpers).

69 Syme 1968, 53–59 (esp. 54: "Usurpation is a theme of predilection in the HA"); also Burgess 1993, 492.

70 Cf. McCormick 1986, 81 (pro) vs. Matthews 1989, 514 (anti).

71 What follows is discussed in considerably greater detail in Humphries (forthcoming a).

72 Contrast the portrayal of Constantius in Amm. Marc. 16.10 with the descriptions of Julian's dutiful defense of the Rhine frontier at (e.g.) 16.8.4, 8, and 9.

73 Amm. Marc. 26.5.9–13.

74 Lenksi 1997.

the theme of civil war, usurpation, and tyranny by Ammianus, Ambrosiaster, and the author of the *Historia Augusta* are indicative of the various ways in which at Rome in the later fourth century the imperial monarchy was viewed as a contested one. There was a contest, as has been seen, about who precisely constituted legitimate imperial authority, and on a number of occasions some Romans had backed the wrong candidate. But perhaps even more fundamentally, and as Ammianus' text in particular suggests, there was a contest about what an emperor should be: a defender of the frontiers, or one who became embroiled in bloody civil war?

O tandem felix civili, Roma, victoria!

Civil-War Triumphs from Honorius to Constantine and Back

JOHANNES WIENAND

SETTING THE SCENE: HONORIUS AND THE LAST TRIUMPH IN THE CITY OF ROME

IN AD 416, HONORIUS VISITED THE CITY OF ROME TO CELEBRATE WHAT has been called “the last recorded triumphal observances of the Roman emperor in the ancient capital.”¹ The spectacular victory procession was intended to celebrate a profound *renovatio imperii*. The triumphal *adventus* of the emperor in the notional capital of the empire gave a symbolic conclusion to one of the most serious crises that had ever befallen the empire. A series of usurpers had seized power during the preceding decade; at the same time, bands of barbarian warriors had penetrated deep into the Roman heartland, advancing into Gaul, Spain, and even Italy. In 410, the Gothic king Alaric captured and sacked Rome itself, and the emperor’s half-sister, Galla Placidia, fell into barbarian hands.² Yet Honorius slowly managed to regain control of the situation and overcome the crisis. The attempted usurpations were successfully checked; a *foedus* was struck with the Goths after the death of Alaric and his successor Athaulf; Rome slowly recovered from the shock of the Gothic sack and returned to normalcy;³ finally in 416, Galla Placidia was allowed to return to the imperial court. Thus the perfect moment had come to celebrate these successes publicly with great fanfare.

Honorius traveled from Ravenna to Rome so as to enter the city ceremoniously as triumphator. The ritual—a “full scale triumph”⁴—will have proceeded

1 McCormick 1986, 57. Lejdegård 2002, 121–160, discusses the triumph of 416 in detail.

2 On Galla Placidia, Sivan 2011.

3 Repopulation of Rome: Olympiod. *fr.* 26.2 [Blockley 1983, II, 190–191] = Philost. *Hist. eccl.* 12.5 [ed. Bidez/Winkermann 1972, 144.7–9]. Christian writers in particular attribute the end of the crisis to the efforts of the pious emperor: Sozom. *Hist. eccl.* 9.11.1–16.4, Oros. *Hist.* 7.42.

4 Lejdegård 2002, 124.

in roughly the same way Ammianus describes the triumph of Constantius II in 357, or Claudian the *adventus* of Honorius in 404.⁵ Each in his own way, the historian and the poet depict the emperor in glorious parade armor riding in a magnificent car along a richly decorated processional route, to the rejoicing and acclamations of the masses, and followed by a colorful parade of mounted guards and elite infantry. Honorius' triumph in 416 will have been similarly spectacular. But his car was preceded not by captured barbarians, as ideally in the classical triumph, but rather by the Roman senator Priscus Attalus.⁶ The once renowned aristocrat is called *infelicissimus* by Orosius, who writes how Alaric had, "more quickly than it can be said, elevated, deposed, restored, and abandoned him as emperor": *imperatore facto, infecto, refecto, ac defecto*.⁷

At a prominent stage of the triumphal procession, perhaps in the Circus Maximus, a theater, or the Forum, Honorius mounted a purpose-built tribunal (βῆμα). The captured usurper was then brought to the lowest level of the podium (τὴν πρώτην αὐτῷ βαθμίδα). What happened next is uncertain due to a lacuna in the relevant passage of Philostorgius' *Ecclesiastical History*, which preserves a description of the triumph by Olympiodorus.⁸ On the basis of an expanded parallel passage in Nicephorus Xanthopoulos, M. McCormick is probably right to conjecture that Honorius performed *calcatio colli* on his eminent prisoner—a ritual in which one pressed down the neck of a defeated rival with one's foot to demonstrate his complete subjection.⁹ The usurper was then publicly mutilated: before the Roman people's eyes, the thumb and index finger of Attalus' right hand were cut off.¹⁰ Publicly humiliated and disgraced, the usurper was banished to the Lipari Islands, where he could live out his days at public expense.

5 Amm. Marc. 16.10.6–10 [Seyfarth 1975, I, 174–177]; Claud. *VI cos. Hon.* 494–660. In Late Antiquity, the differences between *triumphus* and *adventus* tended to blur; see McCormack 1972, 726; McCormick 1986, 80; Beard 2007, 324. Lange 2012, 32, however, calls for conceptual differentiation.

6 On Attalus, see Seeck 1896; Lejdegård 2002, 103–160.

7 Oros. *Hist.* 7.42.7. This rhetorically condensed expression reflects the fact that Attalus had been installed as counter-emperor against Honorius twice for respectively one year. He finally fell into the legitimate emperor's hands. The second usurpation ended worse for Attalus than the first: the *comes* Constantius captured him, and he was brought to the imperial court sometime in 416, apparently as the only captive. He thus was very prominently displayed at Honorius' triumph in Rome.

8 Olympiod. *fr.* 26.2 [Blockley 1983, II, 190–191] = Philost. *Hist. eccl.* 12.5 [ed. Bidez/Winkelman 1972, 144.9–13].

9 Nik. Xanth. *Hist. eccl.* 13.35 [PG 146.1044C–D] gives us the additional notice, Ἀτταλος δὲ ὑπὸ πόδας βήματος προτεθέντος γεγεγώς Ὀνωρίου (see McCormick 1986, 57–58). Bidez/Winkelman 1972, 144, consider this passage a "freie Umarbeitung des lückenhaften Textes von B," i.e., of Photius' epitome of Philostorgius, preserved on fols. 242–261 of the *Codex Baroccianus* 142, in which the lacuna occurs. McCormick, however, holds that Nicephorus used other sources than Philostorgius' *Ecclesiastical History* to compose his own version; Lejdegård 2002, 125 and 128, adopts this view.

10 Olympiod. *fr.* 26.2 [Blockley 1983, II, 190–191] = Philost. *Hist. eccl.* 12.5 [ed. Bidez/Winkelman 1972, 144.12–13]. The mutilation of the usurper is placed in Ravenna in another fragment of Olympiodorus: Olympiod. *fr.* 14 [Blockley 1983, II, 172–175] = Phot. *Bibl.* 80, p. 170. Lejdegård 2002, 125–126,

With the mutilation and exile of his captive adversary, Honorius chose two punishments with which Attalus and his *patricius* Iovius had previously threatened him.¹¹ Mutilation brought about “the dismantling of the usurper’s imperial identity,” as Hans Lejdegård has convincingly argued.¹² Abstaining from execution at the same time demonstrated the victor’s *clementia*. In a similar fashion, the emperor Aurelius had shown his clemency by pardoning his adversaries in civil war, Zenobia and the two Tetrici, almost one and a half centuries before: all three had to endure Aurelian’s triumph as defeated opponents in 274, but their lives were spared. The elder Tetricus, like Honorius a Roman senator and the scion of a noble family, could even live as a free man and hold office again.¹³

How the triumphal procession of 416 proceeded and concluded after the public disgrace of the defeated opponent is not directly attested. However, the further stages and festivities that marked the procession can be reconstructed by analogy to the better documented triumphal *adventus* in which Honorius first entered Rome twelve years earlier, on January 1, 404.¹⁴ During the festivities, the poet Claudian delivered a panegyric poem in honor of Honorius that is preserved in its entirety today. Claudian narrates the ceremonial procession in detail, describing it largely as a traditionally conceived triumphal *adventus*, bringing the triumphator from the Milvian Bridge outside Rome to the Palatine in the center of the city.¹⁵ In Claudian’s description, the imperial procession was accompanied by jubilant masses to the Forum Romanum, where Honorius addressed the senate in the curia; the emperor then met the people, performing a *sparsio*, that is, the scattering of coins to the masses;¹⁶ Honorius then was acclaimed by the people en masse as he proceeded to the *domus augustana* on the Palatine, and he finally held games in the Circus Maximus.¹⁷ In a quite

gives priority to the Philostorgius fragment in this case; see also Oost 1968, 132–133, and Sivan 2011, 70–71.

11 Olympiod. *fr.* 14 [Blockley 1983, II, 172–175]; Zos. *Nea Hist.* 6.8.1 reports that Iovius had delivered the threats. Olympiodorus reports that Attalus had threatened the emperor with exile, rejecting Iovius’ proposal to have Honorius mutilated. Sozom. *Hist. eccl.* 9.8.5 mentions only the threat of exile.

12 Lejdegård 2002, 137.

13 Aur. Vict. *Caes.* 35.5; Hist. Aug. *Aurel.* 39.1, *Trig. tyr.* 24.5; Eutr. 9.13.2; *Epit. de Caes.* 35.7; Jer. *Chron.* a. Abr. 2290.

14 On this event, see especially Demougeot 1951, 283–284; Cameron 1970, 382–389; McCormick 1986, 51, 84–90, 118. This procession was essentially the emperor’s *processus consularis*, inaugurating his sixth consulship in this year; it simultaneously celebrated the victory over the Goths won by Honorius’ powerful *magister utriusque militiae* Stilicho. Dewar 1996, xlvi, sees the procession as “blending together the language of *adventus*, triumph, and consular inauguration ceremonies”; cf. also *ibid.* 372 nn. 561–564: “the *adventus* procession with its triumphal imagery is merging almost imperceptibly with the ceremonies of consulship”; see also McCormick 1986, 89.

15 Claud. VI *cos. Hon.* 494–660; see the commentary in Dewar 1996, 334–424.

16 On this, see Dewar 1996, 398, against Cameron 1970, 384–385, and McCormick 1986, 89.

17 Amm. Marc. 16.10.13 describes the route of the triumph of Constantius II in 357 similarly.

similar fashion, the triumph of 416 must have comprised extensive festivities, and it undoubtedly was followed over the ensuing days by various events in the palace, before the troops, and in the Forum, at which the emperor addressed his retinue, the soldiers, and the senate and people of Rome.¹⁸ Honorius must also have distributed the customary largesse, received acclamations, held banquets, and heard panegyrics, and he probably also held *ludi triumphales* in the Circus Maximus, customary at triumphs.¹⁹ Even in distant Constantinople, the *praefectus urbis Constantinopolitanae* had theatrical and circus games arranged in honor of the victory.²⁰ Military parades were also potentially held, which Claudian attests for the triumphal *adventus* of 404.²¹

Claudian, however, whom Augustine calls *a Christi nomine alienus* in his *City of God*, attempts to represent the festivities of 404 in accordance with traditional Roman religion.²² To achieve this aim, he deliberately ignores an important stage of the triumphal *adventus*-celebrations. This emerges from comparison with two sermons of Augustine's that contain highly significant information about the religious elements of Honorius' *adventus* that neither Claudian nor any other extant source mentions. These two sermons are preserved in a fifteenth-century manuscript in the city library of Mainz and first became known only in the 1990s through the research of French philologist François Dolbeau.²³

In two analogously conceived passages of these sermons, Augustine describes how the emperor solemnly rode in a car to St. Peter's basilica, where in token of his humility before God he laid down his diadem at the grave of St. Peter and beat his breast: *Posito diademante, pectus tundit ubi est piscatoris corpus*.²⁴ While Claudian omits the episode entirely, the bishop of Hippo considers the

18 This is probably what the expression *χειρὶ καὶ γλώττῃ* means in Olympiod. *fr.* 26.2 [Blockley 1983, II, 190–191] = Philost. *Hist. eccl.* 12.5 [ed. Bidez/Winkelmann 1972, 144.8–9].

19 Games in Rome are not mentioned specifically in extant sources for the triumph of 416, but they are attested directly in Constantinople, and Honorius is known to have held games in Rome on other triumphal occasions; the references are collected in McCormick 1986, 51–58.

20 The theatrical games were held on June 28, the chariot races on July 7, 416: *Chron. Pasch. s.a.* 416 [ed. Dindorf, 573]; see McCormick 1986, 58.

21 Claud. *VI cos. Hon.* 621–639.

22 Augustin. *Civ. Dei* 5.26.

23 The passages in question appear in § 26 of the *Sermo sancti Augustini cum pagani ingrederentur* (Dolbeau 1991 = Dolbeau 1996, 227–267) and § 4 of the *Sermo eiusdem de psalmo XXI^o et quomodo tribus modis dicatur Christus etc.* (Dolbeau 1994 = Dolbeau 1996, 525–578). On the place, date, and audience of these sermons, which were delivered to different congregations in North Africa in the years 404 and 405–409 or 412–418, respectively, see Dolbeau 1991, 53–55 (= Dolbeau 1996, 243–245) and Dolbeau 1994, 159–164 (= Dolbeau 1996, 541–546).

24 Augustine, *Sermo sancti Augustini cum pagani ingrederentur* § 26. Augustine refers to Honorius' laying down of the diadem also in *Sermo eiusdem de psalmo XXI^o et quomodo tribus modis dicatur Christus etc.* §4, as well as *Enarr. in Ps.* 86.8, 140.21; *Serm.* 335C and 381. Dolbeau 1991, 56 n. 13 (= Dolbeau 1996, 246 n. 13) sees Ps.-Aug. *s. App.* 205 as a reference to this event. Augustine does not name

dramatic scene an extremely significant “*signe des temps*.”²⁵ For Augustine, Honorius’ decision to visit the *sepulcrum piscatoris* and not the *templum imperatoris* (that is, the nearby mausoleum of Hadrian, which in the sermons serves as an antithesis to St. Peter’s) steers the Christian monarchy down a course that promised to free it from the pagan origins of its traditions.

Augustine gives the impression that the triumphal procession ended at St. Peter’s (as if structurally analogous to the traditional destination of the triumph at the temple of Jupiter Capitolinus).²⁶ This clearly cannot be reconciled with the precise and, in the essentials, reliable testimony of Claudian about the conclusion of the *adventus* in the Forum Romanum and on the Palatine. More probably, as Honorius approached the city from the north, he made a stop at St. Peter’s before following the *via triumphalis* through the Circus Maximus and onward to reach the Forum and ultimately the Palatine—or maybe Honorius visited St. Peter only after the conclusion of the *adventus*-procession proper.

Even if the timing of the visit to the *sepulcrum piscatoris* in the triumphal *adventus* of 404 remains unclear, there is good reason to suppose that St. Peter’s had acquired great significance in the triumphal representation of the Christian emperor in Rome already by the beginning of the fifth century.²⁷ This makes it plausible that the triumphal celebrations of 416 were planned in an analogous manner: either before or after the public mutilation of Priscus Attalus, Honorius will have proceeded to a central Christian place of memory and cult in Rome—again probably St. Peter’s—so he could ostentatiously (but certainly only temporarily) lay down his imperial insignia and with a gesture of humility proclaim his devotion to God.

When Honorius prominently celebrated his military successes in 416, the ritual of the Roman triumph was already over a thousand years old: the Augustan *fasti triumphales* reached back to the triumph of Romulus in the first year of the history of the city, which thus from Honorius’ point of view lay over a millenium in the past.²⁸ But the ceremony of the triumph toward the end of Roman rule in the West had come to look very different from its counterpart in early Roman history. With respect to these fundamental changes, scholarly opinion usually holds that late-antique victory processions cannot be regarded as triumphs proper. For a triumph, we are told, the connection to the

the emperor, but there is no doubt that only Honorius and the triumphal *adventus* of 404 in Rome can be meant: Dolbeau 1991, 55–56 (= Dolbeau 1996, 245–246).

25 “*Signe des temps*”: Dolbeau 1991, 56.

26 Liverani 2007 follows Augustine on this point; cf. the map on p. 85.

27 On this, see the detailed and essentially convincing analysis of Liverani 2007.

28 On the origin of the ritual: Gjerstad 1967, 31–32; Rüpke 1990, 223–224.

cult of Jupiter Optimus Maximus was constitutive, while the *ius triumphandi* clearly forbade a triumph for victory in civil war, and the imperial monopoly on the ritual had cost it its outstanding social significance and made it a mere spectacle. The history of the triumph thus will have ended in 19 BC, or in AD 303 at the latest—when L. Cornelius Balbus was the last person outside the imperial house to receive the honor, or when Diocletian and Maximian entered Rome as the last pagan triumphators.²⁹

But as Mary Beard aptly puts it, the Roman triumph was a ritual “with a history.”³⁰ Over the course of the centuries, the ritual constantly had to adapt to changing social, political, and military conditions: beyond its primarily religious function, the triumph had evolved early into a spectacle focused on the triumphator and would serve an increasingly important function in the aristocratic competition for status in the late Republic.³¹ The capacity of the Roman triumph to adapt to changing circumstances is shown most vividly in the course of the transformation of the aristocratic *res publica* into the monarchic Principate: as the embodiment of the greatest political and military success, the triumph was monopolized by Augustus and reserved exclusively to express the superior qualities of the *princeps*. Under these new conditions, the triumph was no longer available as a marker of aristocratic distinction; it expressed the insurmountable distance between the sovereign and the Roman aristocracy, whose members now could only aspire to the *ornamenta triumphalia*, until these too lapsed in the second century AD.³²

These developments in no way diminished the outstanding political function of the staging of military success. On the contrary, even though the triumph under the emperors was held intermittently and sometimes arranged with a high degree of originality, it persisted in its role as the main conceptual

29 Rüpke 1990, 233–234, emphasizes the break after 19 BC; Künzl 1988, 119, 134, and Balbuza 2002, 365, favor AD 303. The question of the end of the Roman triumph is discussed at length by Beard 2007, 318–328, though with the hardly convincing “subversive suggestion” that the Flavian triumph in AD 71 was “the first triumph that was more of a ‘revival’ than living tradition, more afterlife than life” (p. 328).

30 Beard 2007, 289. With respect to the triumphs of the Principate and Late Antiquity, already McCormick 1986, 35–36, noted the “relentless change in their number, nature and identity within the context of overall continuity.”

31 On the political significance of the triumph in the late Roman Republic, see Flaig 2003a, 32–48; Flaig 2003b.

32 On the monopolization of the triumph by the *princeps* and the formulation of an ideology of victory in the triumviral/Augustan period, see Picard 1957, 232–253; Maxfield 1981, 101–109; Hickson 1991; Balbuza 1999; Itgenshorst 2004, 2008; Östenberg 2009; Rich 2013. With this development, aristocratic control mechanisms implemented to check victorious generals under the Republic fell away (see Versnel 1970, 164–195; Develin 1978; Bastien 2007, 287–311; Pittenger 2008, 33–53). On the *ornamenta triumphalia*, see Abaecherli-Boyce 1942; Barini 1952; Maxfield 1981, 101–109; Campbell 1984, 358–361; Eck 1999.

point of reference for expressing the exceptional position of the first man in the state. Both the staging and monumentalization of military achievements under the Roman monarchy proved to be highly flexible instruments of political communication, and significantly more flexible than had been possible under the Republic. This can be seen already in the early and high Principate in such idiosyncratic victory processions as Caligula's triumph in the bay of Baiae, Nero's triumph on the occasion of his victories in musical *agones*, and Trajan's posthumous triumph.³³ As Rüpke rightly remarks, the emperor could turn any appearance into a triumph.³⁴

The flexibility and adaptability of the ritual were also the essential preconditions for the survival of the triumph in the transformation from a pagan to a Christian monarchy. It is striking that the ritual did not simply continue to be performed occasionally, but rather "the establishment of the Christian Roman empire entailed a decisive increase in triumphal ceremonies, a kind of renaissance of triumph," as already M. McCormick has rightly observed.³⁵ Not only were numerous victory celebrations held (predominantly in imperial residences) for success against external enemies precisely during the period from Constantine to Honorius, but also triumphal processions in Rome after the successful conclusion of civil wars became extremely important. This is surprising for several reasons. First, it is precisely the military role of the emperor that makes the relationship between Christianity and the Roman monarchy such a conflict-ridden fusion of contradictory ideologies. The figure of the Christian triumphator did not emerge naturally from the Christianization of the Roman monarchy: considerable conceptual contradictions had to be overcome to create this new role model. Second, the large triumphs celebrated in Rome from the time of Constantine to Honorius were almost all victories in civil war, which were considered highly problematic by the Roman aristocracy, as well as by Christian observers. How a victory stained with Roman blood could be celebrated in such circumstances thus also remains to be explained. And third, until the time of Theodosius I, the empire was decentralized and the monarchy was characterized by conspicuous remoteness from the senatorial aristocracy of Rome. The city of Rome and its resident nobility were no longer particularly relevant for the maintenance of the political order. "Rome is where the emperor

33 Kleijwegt 1994 (Caligula); Beard 2007, 268–271 (Nero); Richard 1966, Kierdorf 1986, and Arce 2000 (Trajan).

34 Rüpke 1990, 234: "Am Ende der Entwicklung steht der Kaiser als ewiger Triumphator, dessen Siegerqualität sich überall aktualisieren und der jeden Auftritt zum Triumph machen kann."

35 McCormick 1986, 78. Ibid., 89 McCormick also argues that the "depaganization" of the Roman triumph initially led to its religious neutrality and not immediately to the Christianization of the ritual. He thus refers to the "religious ambiguity of victory celebrations at Rome."

is,” as Herodian has put it.³⁶ Why the city of Rome nonetheless retained such importance as a stage for the emperors’ triumphal self-representation likewise calls for explanation. It was only toward the end of the fourth century that a new, capital-based monarchy crystallized in Constantinople, where victory celebrations again were held primarily in the actual center of the Roman political order.

Against this complicated fourth-century backdrop, a multifaceted shift occurred in the topography and ideology of triumphal rulership, which I would like to discuss and explain in this chapter. Not all three of the aspects mentioned (the origin of the Christian triumphator, the significance of civil-war triumphs, and the place of Rome in a decentralized empire) can be investigated in equal detail. This chapter focuses rather on the question why precisely the most spectacular triumphs of the fourth and early fifth centuries were celebrated explicitly for victories in civil wars, and why these triumphs included elements of conspicuous brutality against civil-war opponents, even though military exploits in a civil war were still considered highly problematic.³⁷

Any attempt to account for these changes must begin with Constantine’s triumph in 312, which opened a new chapter in the history of the Roman triumph. For the first time, the severed head of an overthrown emperor was paraded in triumph, and also for the first time, the victor was praised in triumphal monuments and panegyrics alike for his martial accomplishments in fighting and killing enemy soldiers in a civil war. In order to understand the political semantics of these performances, narratives, and symbols, I will first analyze the Constantinian triumph in detail, before trying to define more broadly its place in the history of Roman triumphs and its relationship to the triumph of Honorius.

DISTURBING IMAGES: CONSTANTINE’S TRIUMPH OVER ROMAN BLOOD

Act One: The Impaled Head of a Roman Emperor

On October 28, 312, Maxentius celebrated the sixth anniversary of his rule in Rome. At the same time, Constantine’s army was encamped about ten kilometers north of the city. Constantine had marched from Gaul to Italy to eliminate Maxentius and extend his territory over the entire western Roman empire. We will probably never know why on this day Maxentius decided to leave the

³⁶ Herod. 1.6.5: ἐκεῖ τε ἡ Ῥώμη, ὅπου ποτ’ ἂν ὁ βασιλεὺς ᾗ.

³⁷ In pursuing this question, the chapter builds on the latest research by Curran 2000; Humphries 2007; Wienand 2011; Lange 2012; Schmidt-Hofner 2012; Wienand 2012; Haake (forthcoming).

safety of Rome's walls with his *cohortes praetoriae* and *equites singulares*, cross the Tiber on improvised bridges, and seek a decisive outcome in open battle. Constantine's army had the upper hand, and in fighting during his retreat Maxentius perished in the Tiber with many of his men.³⁸

News of the emperor's demise spread rapidly in Rome, but there apparently were also concerns that it was a false report.³⁹ It was felicitous for the victorious side in these circumstances that Maxentius' body was recovered.⁴⁰ Constantine knew how to take advantage of the symbolic capital that the Tiber had washed ashore. As he made ready his triumphal entrance into the city the next day, the body was hacked to pieces and the head of the drowned emperor severed from the torso and affixed to a spear. It led the victor's procession as an imposing sign of his total victory.⁴¹

A few months later in faraway Trier, when Constantine had left Italy again and returned to his main residence on the Moselle, a panegyrist recalled this event.⁴² The orator reports that "after the body had been found and hacked up, the entire populace of Rome broke out in vengeful rejoicing, and throughout the whole City where it was carried affixed to a spear that sinful head did not cease to suffer disfiguration, and meanwhile, in the customary jests of a triumph, it was mocked by insulting its bearer, since he suffered the deserts of another's head."⁴³ Even though severed heads had now and then acquired a certain indecorous significance in Roman civil wars, on October 29, 312, for the first time in Roman history, the head of a toppled emperor was paraded through the city in a triumph to the jubilation of the masses.⁴⁴ It was the head of an emperor who had ruled Rome for six years and despite sporadic conflict

38 *Pan. lat.* 12(9).17.2–3; Lact. *Mort. pers.* 44.9; Euseb. *Hist. eccl.* 9.9.7–8. Euseb. *Vit. Const.* 1.38.2. Eusebius was reminded of the prophecy in Exodus 15.5 and 15.10, that Pharaoh's soldiers would sink in the water like lead.

39 *Pan. lat.* 12(9).17.3; Zos. *Nea hist.* 2.17.1.

40 *Pan. lat.* 12(9).17.3–18.2; Zos. *Nea hist.* 2.17.1.

41 On Maxentius' head and the rituals of civil war, see Kristensen (forthcoming).

42 On the context of the panegyric of 313 (speaker, audience, occasion, and location), see Nixon/Rodgers 1994, 288–293.

43 *Pan. lat.* 12(9).18.3 (trans. Nixon/Rodgers 1994).

44 The exhibition of the head of Maximinus Thrax is cited by McCormick as an analogous case, but the head was not displayed in the joint triumph of Pupienus and Balbinus; cf. Herod. 8.5.9; 8.6.5–7; *Hist. Aug. Balb.* 11.1–3. Constantine's victory procession was indisputably regarded by contemporaries as a genuine triumph: Nazarius compares Constantine's entrance into Rome on October 29, 312, with earlier triumphs (*Pan. lat.* 4[10].30.5), while inscriptions related to the victory over Maxentius describe Constantine as *triphator* or *triumphans*, or his victory as *triumphus*: CIL 6.1139, 8.2721, 8.7006, 8.15451; moreover, the triumphal arch erected in honor of Constantine's victory falls directly in line with those of his predecessors (namely, the arches of Augustus, Titus, and Severus); on the latent civil-war theme of pre-Constantinian arches, see Lange 2012.

with his subjects over that time had built up an extensive network of supporters, clients, and other beneficiaries at all levels of society.⁴⁵

The sight of this emperor's head affixed to the end of a spear as it was carried around the city, exposed to insult and outrage, must have moved observers even more profoundly, because Maxentius was still an emperor who enjoyed considerable dynastic prestige—even though he had not been recognized by the regular Tetrarchs: he was none other than the biological son of the emperor Maximian (who had been consecrated in Rome not long before) and thus in formal terms ranked significantly higher than Constantine. Maximian was regarded as an extremely successful Tetrarchic ruler. He had enjoyed high prestige in the army, and his memory was clouded only by his decision in 310 to usurp control over part of Constantine's army—a miscalculation that cost him his life, but not his reputation in the long term.⁴⁶ Even if Maximian's usurpation had put Constantine in a dangerous situation, the latter ultimately profited from this dramatic turn of events: it enabled him at last to emancipate himself from the Tetrarchy, to abandon all forms of subordination to the other rulers of the empire, and to take the first steps toward sole rule with the war against Maxentius.

Maximian was the link between Constantine and Maxentius. He was not only Maxentius' father but also the *auctor imperii* of Constantine's father, and in 307 he conferred on Constantine the rank of *augustus* that Galerius had denied the ambitious *caesar*. Constantine, moreover, ratifying his alliance with the distinguished Tetrarch, had married his daughter Fausta, Maxentius' sister, in order to benefit even more intensively from the dynastic prestige of the Herculii. The population of Rome that now desecrated Maxentius' corpse with acts of insult and outrage must have known that the severed head of the emperor was the mortal remains of Constantine's brother-in-law.

Even if Constantine had never formed an alliance with Maxentius, his familial ties with Maxentius must have posed a problem. Only by excluding

45 On Maxentius' reign, see Groag 1930; Cullhed 1994; Leppin/Ziemssen 2007. Kristensen (forthcoming) makes the plausible suggestion that after the procession the head was displayed in the Forum, where the severed heads of *hostes* had been displayed already in the first century BC. Afterward, the head was sent overseas "to appease Africa" (*ad permulcendam Africam*), where celebrations of the liberation from Maxentius' tyrannical regime were also held, as attested by the orator Nazarius in his panegyric of 321: *Pan. lat.* 4(10).32.6–9.

46 The best evidence of Maximian's great appeal even after his death is supplied by Constantine, against whom Maximian's usurpation had been directed: in 318, Constantine issued a series of coins in which Maximian figures as DIVO MAXIMIANO OPTIMO IMP or SEN FORT IMP: RIC 7 Arelate 174, 177; Treveri 200, 204–205; Roma 104, 107, 110, 113, 117, 120, 123, 126; Siscia 41, 44; Thessalonica 24. Already the panegyric of 310, the earliest surviving literary source to address Maximian's death from Constantine's point of view, does not give a purely negative assessment of Maximian; see Wienand 2012, 150–156.

Maxentius posthumously from Maximian's family could Constantine dismantle the imperial identity of his enemy without detracting from his own prestige. After victory at the Milvian Bridge, Constantine therefore circulated a public confession allegedly made under oath by Maximian's widow that her son Maxentius had been fathered adulterously by a Syrian.⁴⁷ The panegyric of 313 also stresses that Maxentius had wrongly considered himself Maximian's legitimate son.⁴⁸ The path toward radically inverting Maxentius' image as ruler was thus clear. In the eyes of the victor, Maxentius could now be construed as a gruesome tyrant and the enemy of all civil order, even a hideous prodigy (*deforme prodigium*), monster (*monstrum*), and disgrace (*dedecus*).⁴⁹

The population of Rome, especially the aristocracy, graciously welcomed the interpretive model that Constantine presented them in the form of Maxentius' disfigured head. It enabled them to prove to the new emperor their rejection of the fallen regime. The *ioci triumphales*⁵⁰ with which the severed head was ridiculed and abused constituted a kind of semantic bridge over which the senate and people of Rome could comfortably switch sides and place themselves under their new ruler. Constantine encouraged this by blaming only a small clique of evildoers centered around the *vernula purpuratus*⁵¹ for the alleged crimes of the toppled tyranny and by seeking the guilty parties primarily in the ranks of the elite guard that had been recruited predominantly from the equestrian order.

To reinforce this interpretation, immediately after his victory Constantine dissolved the *cohortes praetoriae* and the *equites singulares* (the surviving soldiers were transferred to the military forces at the Rhine and upper Danube frontiers) and razed and built over their camps and cemeteries.⁵² In connection with Constantine's treatment of the former soldiers of Maxentius, for the first time in the history of the Roman triumph the Christian population of Rome was explicitly taken into consideration as the audience of the staging of victory. Besides the fact that Constantine (for whatever reasons) abstained from ending the triumph at the temple of Jupiter, he funded the construction of Christian cult buildings over the razed camps of Maxentius' elite troops.

47 Anon. Val. *Origo Const.* 4.12; cf. *Epit. de Caes.* 40.13.

48 *Pan. lat.* 12(9).3.4, 4.3, 16.3; cf. *Pan. lat.* 6(7).14.6; Anon. Val. *Origo Const.* 4.12; *Epit. de Caes.* 40.13.

49 *Pan. lat.* 12(9).4.3, 7.1 and 17.2, 3.5, 3.4. On the role of heads in civil war, see Voisin 1984, 251–252.

50 *Pan. lat.* 12(9).18.3.

51 *Pan. lat.* 12(9).16.3. Nixon/Rodgers 1994 translate the phrase as “a little slave who dressed himself in purple.”

52 See *Pan. lat.* 12(9).21.2–3; Aur. Vict. *Caes.* 40.25; Zos. *Nea hist.* 2.17.2; Speidel 1986, 255–256; Barnes 1981, 45; Freis 1967, 19–22.

Thereby, Constantine brought Rome's Christian community symbolically over to the side of all those who supposedly profited from the demise of Maxentius' regime.⁵³

In contrast to the soldiers, the people (and in a special way, the Christians) and above all the senate survived the violent regime change largely unscathed. By far most members of the Roman senatorial aristocracy even continued their careers under the new ruler without any observable interruption.⁵⁴ Already as the severed head of Maxentius was being carried through Rome and incessantly abused, most members of the aristocracy stood "liberated" on the side of the victor. Constantine's triumph was a remarkable feat of integration out of which a new community could emerge that united both the victors and the liberated people. Consequently, in the eyes of the panegyrist of 313, Constantine's triumph was a sumptuous expression of public joy—the only cause for irritation being the fact "that there were so many souls left over after that six years' slaughter."⁵⁵

The unity between emperor and senate was sealed in a way that was advantageous to both sides. The panegyrist of 313 mentions Constantine's *sententiae* and *acta* in the curia, with which he "restored to the senate its former authority."⁵⁶ In response, a golden shield of virtue (*clipeus virtutis*) was presented to the new ruler of Italy, as well as a gold oak wreath (*corona civica*) and a Victoriola, that is, a golden statuette of the goddess Victory upon a globe.⁵⁷ All three were Augustan symbols of the restored state; constitutive of their meaning is their reference to successes in civil war: a *clipeus virtutis* and *corona civica*, together with the honorary title *augustus*, were conferred on Octavian in 27 BC by the senate and people of Rome for his meritorious ending of the civil wars and the restoration of the state;⁵⁸ the Victoriola recalls the Victory statue

53 On Constantine's abstention from visiting the temple of Jupiter Optimus Maximus, see Straub 1955. Provided that Constantine actually refrained from ascending the Capitol, this symbolic omission most plausibly has to do with the fact that Jupiter was the Tetrarchs' prime deity, not Constantine's. In any case, it does not necessarily imply that the emperor generally avoided performing pagan religious practices at that time. On official support of the Christians in Rome after the victory at the Milvian Bridge, see Girardet 2010.

54 Cf. Kuhoff 1983, 64, 151–152, 179–180, 231–232. An impressive example is C. Ceionius Rufius Volusianus, whose career had already culminated in the consulship under Maxentius and who then under Constantine was able to hold the prestigious office yet again; cf. PLRE 1, Volusianus 4.

55 *Pan. lat.* 12(9).19.1–2. *Ibid.* 19.4, the masses crowd around the ruler so eagerly that "they seemed to besiege the man by whose siege they had been liberated." After the procession, the liberation was lavishly celebrated with *spectacula*, specifically *munera* and *ludi aeterni* (*Pan. lat.* 12[9].19.6).

56 *Pan. lat.* 12(9).20.1–2. The speaker elaborates here especially on imperial *clementia*.

57 *Pan. lat.* 12(9).25.4. On the interpretation of the *signum dee* as a statue of Victory, see R.-Alföldi 1961, esp. 25.

58 *Aug. Res gest.* 34. The oak wreath in particular (a military honor from the time of the Republic for saving a fellow citizen) was conferred on Octavian/Augustus *ob cives servatos*, as Augustan coinage tirelessly displays; cf. Zanker 1987, 97–99.

from Tarentum, which Octavian brought to Rome after victory at Actium and had dedicated in the curia with an altar.⁵⁹

More important to Constantine than these symbolic gestures was that the senate formally conferred on him the *titulus primi nominis* and thus an empire-wide claim to precedence before the remaining co-rulers, Licinius and Maximinus Daza, who respectively ruled Illyricum and the East. According to the logic of Tetrarchic ideology, Constantine expressed the fact that he enjoyed extraordinary *potestates*—especially the authority to issue commands to the other rulers, the right to promulgate empire-wide edicts, the right to appoint ordinary consuls, and a ceremonial and iconographical precedence before the others. To reinforce this claim, Constantine immediately added the title *maximus augustus* to his formal titulature.⁶⁰

Lactantius makes clear, with respect to Maximinus Daza, that these messages reached their intended audience: “when he heard of the decree of the senate, he grew outrageous, avowed enmity towards Constantine, and made his title of *imperator maximus* a theme of abuse and raillery.”⁶¹ The scene is not entirely implausible. Since the death of Galerius in May 311, Maximinus Daza had legitimately claimed the *titulus primi nominis* for himself: he had been appointed *caesar* already on May 1, 305, and could thus show higher *tribunicia potestas* than Constantine.⁶² For Constantine, though, the question of his relationship with Licinius was more pressing, since here the competences and powers of a new alliance had to be defined: Constantine had made a non-aggression pact with Licinius already before the Italian campaign; now sealed with a dynastic marriage between Licinius and Constantine’s half-sister Flavia Iulia Constantia, the pact was expanded into a regular alliance between the two rulers.

According to the resolutions of the Conference of Carnuntum, which had been invested with the authority of Diocletian, Constantine actually should have been subordinate to Licinius. Insofar as the disgrace of the tyrant’s head

59 See Pohlsander 1969.

60 Grünewald 1990, 86–92, argues that the title *maximus augustus* was first utilized in preparation for Constantine’s *decennalia*. But a series of references support its use before 315, first of all the famous gold medallion from Ticinum from 313 (RIC 6 Ticinum 111) and also the inscriptions nos. 33, 66, 97, 98, 118, 146, (165?), 241, 247, 259, 283 in Grünewald 1990. Lact. *Mort. pers.* 44.12 connects the title explicitly with the conferral of the *titulus primi nominis*; Optatian also ascribes the title to Constantine in his *epistula Optatiani*, which probably dates to the months after the battle of the Milvian Bridge; see Barnes 2011, 84; Van Dam 2011, 158. The extant sources generally support the conclusion that Constantine assumed the title already during his stay in Rome in the winter of 312–313 and confidently used it in his meeting with Licinius in early 313.

61 Lact. *Mort. pers.* 44.12 (trans. Fletcher 1886).

62 Lact. *Mort. pers.* 44.11–12.

enabled the new ruler of Italy to bring over to his side the liberated Roman senatorial aristocracy and unmistakably assert his claim to supremacy with their ideological support, as *maximus augustus* Constantine now could rise far above his co-emperors, and in fact Constantine never concluded another alliance in which he was formally subordinate to another emperor.⁶³ A new supreme commander of the Roman world had emerged from civil war.

Act Two: A Victor Bespattered with Roman Blood

Constantine's claim to supremacy was undergirded by his self-representation as a superior warrior. This image was as innovative as the public disgrace, during his triumph, of an enemy slain in civil war. For the first time an emperor was explicitly and unreservedly praised for his warlike deeds in battle against enemy Roman soldiers. The earliest evidence is the panegyric from the year 313.⁶⁴ In a memorable passage of his detailed narration of the campaign, the orator tells the audience how in battle at Verona the emperor himself had stormed into the fray and personally fought against the enemy: in the thickest of the raging battle, Constantine carved with horrendous slaughter (*caedes*) a path through the enemy swords and shots.⁶⁵ Only after the victorious outcome of the battle was the emperor found with heaving breast (*anhelum pectus*) and bloodstained hands (*cruenta manus*) by his men (*comites* and *tribuni*).

This remarkable image—an emperor bespattered with the blood of Roman soldiers killed by his own hands—utterly breaks down the borders imposed on the idea of a victor in civil war. The dramatic elements of this depiction of an emperor's zeal for battle in a *bellum civile* is unprecedented in Latin panegyric.⁶⁶ According to the logic of the speech, the emperor's glory is even explicitly enhanced by the fact that Maxentius' troops were exclusively elite Roman

63 Epigraphic evidence proves this explicitly: Constantine is always named first in contemporary inscriptions; see Grünewald 1990, 86–103.

64 The orator himself considers his narration innovative: *Pan. lat.* 12(9).2.1. He was evidently aware that detailed descriptions of the warlike deeds in a *bellum civile* had not been used before to praise an emperor; on the panegyrist's way of dealing with Constantine's civil-war victory, see also Engemann 2006; Wienand 2011; Lange 2012; Wienand 2012, 199–205; Haake (forthcoming).

65 The section about the battle around Rome maintains this tone: the corpses of Maxentius' fallen soldiers covered the battlefield before the gates of Rome, and the army of Constantine's soldiers, tired from killing, found a little rest only in the demise of the fleeing enemy in the Tiber: *Pan. lat.* 12(9).17.1.

66 Only in the panegyric of 297 are similar martial images used to describe victory in a civil war, namely, in the war between Constantius I and Allectus (*Pan. lat.* 8[5].16.3–5). However, the conflict is explicitly interpreted as a war against external enemies, and Constantius (in contrast to Constantine) is not praised for defeating Romans in battle.

soldiers, armed with the best weapons, trained to give the fiercest fight, bound by the power of oaths, and prepared to yield only in death:

It is easy to conquer timid creatures unfit for war, such as the pleasant regions of Greece and the charms of the Orient produce, who can barely tolerate a light cloak and silken garments to keep off the sun, and who if they ever get into danger forget freedom and beg to be slaves. But a Roman soldier, whom training disposes and the sanctity of his oath confirms to be who and what he is, or the grim Frank filled only by the flesh of wild beasts, who despises life because of the meanness of his sustenance, how much trouble it is to overcome or capture these! And you, Emperor, have done this both lately in Italy and not long ago in the very sight of barbarian lands.⁶⁷

Victory over such disciplined and battle-hardened Romans—"armed with every weapon in the manner of the first rank and because of their consciousness of wrongdoing prepared never to yield except in death"—is a greater accomplishment and proof of greater courage than "a single battle against weak Medes, unwarlike Syrians, the Parthian's flighty arms and Asians desirous of a change of servitude": in a direct comparison of their military achievements, Constantine surpasses Alexander the Great precisely because he has won a *bellum civile* and no mere *bellum*, because he has fought against Romans and not against external enemies.⁶⁸ By single-handedly obtaining victory over these excellent, if nefarious, warriors, Constantine has won immortal glory.

Constantine's depiction here as a warrior in battle against Roman soldiers is not an idiosyncratic invention of the panegyrist, nor can it be explained by the fact that the speaker delivered his panegyric of 313 in Trier in primarily military surroundings far from the senate. The innovative representation of Constantine as a bloodstained civil-war warrior derives from the emperor's circle, and it can be observed not only in Trier, but also in Rome itself: a very similar depiction appears in a panegyric delivered in 321 in Rome by the famed orator Nazarius, notably in the emperor's absence and before the Roman senate.⁶⁹ Here too Constantine is praised for throwing himself into the thick of the battle and—covered with enemy blood (*cruore oblitus sed hostili*)—joining in the slaughter of enemy Roman soldiers until the fighting ended.⁷⁰

67 *Pan. lat.* 12(9)24.1–2 (trans. Nixon/Rodgers 1994).

68 The entire passage: *Pan. lat.* 12(9).5.1–3 and 24.1–2. The expression *paulo ante Romani* (5.3) is a faint echo of the classic immunization strategy, but the speech of 313 does not emphasize it and in section 24.1–2 abandons it entirely.

69 On the author, occasion, date, and political context of the speech, see Nixon/Rodgers 1994, 334–342.

70 *Pan. lat.* 4(10).25.3–26.5.

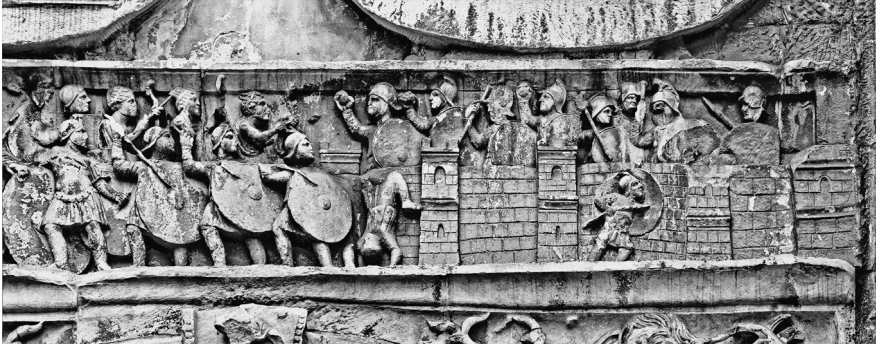


Figure 9.1 The Arch of Constantine, battle frieze; detail: *obsidio*.

In a similar way, the Arch of Constantine in Rome, certainly one of the most impressive late-antique monuments of civil war, also visualizes and celebrates the victory of Roman soldiers over other Roman soldiers.⁷¹ The Constantinian triumphal frieze depicts the climax and successful conclusion of the campaign. The scenes begin with the *profectio* of the army in Milan, show the decisive military contests at the siege of Verona and the Battle of the Milvian Bridge, then advance to the formal entry of the victors in Rome, and end with the ceremonial meeting of the emperor and the senate and people of Rome.

The two battle reliefs, which mark the dramatic turning point of the war, are particularly significant. The siege of Verona (Figure 9.1) is represented as a fierce struggle around the walls. The Constantinian legionaries and auxiliary troops press against the defenders with javelins and arrows; missiles are thrown at an attacker before the walls from above; a Maxentian soldier falls from the battlements to his death. The manner of this depiction is significant: the Maxentian soldiers appear as regular Roman troops and fundamentally no different from the Constantinian legionaries. There is no trace of barbarization of the enemy by physiognomy or clothing. On the contrary, non-Romans recognizable in the battle frieze fight as auxiliary troops on Constantine's side.⁷² Specifically, soldiers from North African auxiliary units are depicted.⁷³ Members of these contingents

⁷¹ On the imagery of the Arch of Constantine, see especially L'Orange/Gerkan 1939; Koeppel 1990. On its place in Constantine's self-representation, see Peirce 1989; Raeck 1998; Elsner 2000; Jones 2000; Holloway 2004, 19–53; Bergmann 2006; Marlowe 2006. The findings of more recent archaeological investigations are discussed in Pensabene/Panella 1999; Conforto 2001. The iconography and inscription of the arch were most likely negotiated during Constantine's stay in Rome between October 312 and January/February 313 jointly by representatives of the Roman aristocracy and people close to the emperor.

⁷² Koeppel 1990, 46 (Figures 13 and 15–22).

⁷³ The depiction of the *profectio* includes even a baggage camel; cf. Koeppel 1990, 40–42.



Figure 9.2 The Arch of Constantine, battle frieze; detail: *proelium apud Tiberim*.

had probably been stationed by Maxentius in northern Italian cities and defected to Constantine. The reliefs show them marching with the Constantinian army toward Rome and even participating in the triumphal entrance into the city. While the barbarians fight on the victor's side, it was Roman soldiers the Constantinian forces had to fight.

The iconographic narrative of the civil war culminates in the next scene showing the Battle of the Milvian Bridge (Figure 9.2): Constantine's *milites* push Maxentius' infantry and cavalry into the waves of the Tiber; a cavalryman thrusts a lance into the neck of a Maxentian soldier falling backward into the river; an archer shoots a drowning enemy soldier, his bow pointed almost straight down at him; a Constantinian legionary raises his sword to strike an enemy supplicating him, whose back is already pierced by a spear.⁷⁴

How can we account for the unprecedented use of such disturbing images in Constantinian panegyric and monuments? The composition of the Arch of Constantine offers some clues. The newly made Constantinian reliefs stand in a direct relationship with the set-pieces from earlier monuments that have been integrated in the arch as *spolia* and the depictions of which celebrate the military achievements of Trajan and Marcus Aurelius over external enemies. The arch as a whole (built in the center of the eternal city, on the *via triumphalis*, the classical triumph route, alongside the triumphal arches of Constantine's predecessors),⁷⁵ as well as the specific iconography of the monument, equate

74 On the depiction of the *proelium apud Tiberim* in the reliefs of the Arch of Constantine, see L'Orange/Gerkan 1939, 65–71, and Koeppel 1990, 47–51. Some scholars recognize the drowning Maxentius in the battle frieze: see, for instance, Speidel 1986, 257–259.

75 The core of the arch is probably Hadrianic; see Conforto 2001. For an alternative reading of the triumphal route, see Östenberg 2010.

Constantine's victory over Maxentius with the great victories of Roman generals over external enemies.

Constantine's claim to parity with the most glorious exempla of Roman warfare can be explained by the political-military context of the late Tetrarchy, in which Constantine's political origins lie and from which he increasingly sought to emancipate himself. The Diocletianic ruler colleges had set standards of political-military success that Constantine had to overcome. However, by the standards of the Diocletianic Tetrarchy, until his Italian campaign, Constantine remained essentially an emperor largely without impressive victories to show. His political and military skill and the success of his self-chosen course could scarcely have been anticipated:⁷⁶ more than six years after his accession, Constantine could point to only two rather insignificant victories in fairly small-scale devastation and plundering campaigns against Germanic tribes. This posed a problem in a highly competitive system of multiple rulers. Galerius, for instance, who had formally led the Tetrarchy until his death in early 311, had accumulated no fewer than nineteen victory titles, among them the sonorous title *persicus maximus*, which the emperor had won in a magnificent victory over the Sasanid king Narseh that brought extensive areas east of the Tigris under Roman control.⁷⁷

It was even more urgent that Constantine establish a convincing image as victorious emperor because the Italian campaign fell shortly after the usurpation attempt of Maximian, the most serious breach of loyalty that Constantine faced in his thirty-year reign. Even after Galerius' death and his victory over Maxentius, Constantine still was not an emperor without alternative.⁷⁸ Specifically, further military conflicts with the eastern emperors Licinius and Maximinus Daza loomed on the horizon, the outcome of which could not be predicted. By confidently staging a *victoria civilis* on par with the grandiose triumphs of earlier times, Constantine gave an forceful answer to the pressing question of his ability to lead, his military skill, and his strategic genius. The bloodstained victor in civil war became a powerful symbol of a

76 At the time he had acquired two *cognomina ex virtute*: in early 307, the young emperor was attributed the victory title *germanicus maximus* after a devastation and plundering campaign in Frankish territory; he received it anew after a devastation campaign in 308 in the territory of the Bructeri. On the war against the Franci: *Pan. lat.* 7(6).4.2; *Pan. lat.* 6(7).10.2–11.6; *Pan. lat.* 4(10).16.5–17.2. On the war against the Bructeri: *Pan. lat.* 6(7).12.1; *Pan. lat.* 4(10).18.1.

77 The central sources for Tetrarchic titulature are the extant fragments of the Diocletianic currency reform and the Edict of Maximum Prices, both dating to 301; see Blümner 1958; Lauffer 1971; Giacchero 1974; Kuhoff 2001, 515–564. On the development of Tetrarchic titulature, see Barnes 1976a; idem 1976b; idem 1982, 17–19, 27, 255–257 (Table 5–7).

78 His three half-brothers, who could cite excellent dynastic legitimacy, continued to pose a potential threat to Constantine's rule; see Wienand 2012, 105–108.

new understanding of triumphal rulership. It enabled Constantine to confront his co-rulers not merely on level ground but even from a far superior position.

With his martially staged victory in civil war, Constantine inaugurated a series of civil-war triumphs in Rome that would decisively shape the image of triumphal rulership until the time of Honorius. As the ultimate collapse of social order, though, civil war remained highly problematic even in the fourth and fifth centuries.⁷⁹ How Constantine could celebrate so impressive a triumph under these conditions becomes intelligible only in view of the interplay of imperial self-representation and normative aristocratic discourses, on the one hand, and the *longe durée* of Roman victory ideology, on the other.

O TANDEM FELIX CIVILI, ROMA, VICTORIA!

In his panegyric poem in honor of the joint triumph of Honorius and Stilicho over the Goths in 404, Claudian gives poetic expression to the uneasiness bound up in a victory over fellow Romans. The poem was most likely recited on the day of the victory celebrations in an audience hall in the imperial palace on the Palatine before the triumphators and members of the *consistorium* and Roman senate.⁸⁰ Before this distinguished audience, the poet had personified Roma appear, bewailing the suffering that the civil-war triumphs of Honorius' predecessors had brought her:

In all these years, which I number at twice ten lusters, three times have I seen an Emperor within my sacred boundary; the times were different, but the reason for their victory was the same, and it was civil war. In their arrogance they came, no doubt, that I might see their chariots bespattered with the blood of Romans. Could any man think that for a loving mother the lamentations of her sons were cause for joy? Tyrants they were who died, but when they died, still they were mine. Though he boasted at large of his battles against the Gauls, Caesar kept silent on Pharsalus. For when ally fights with ally and kindred raise their standards against each other, then, just as it is pitiful to lose, so also it never brings honor to have won. Through your deeds may a truer glory now restore the customs of antiquity, and do you give back to me now the long-unfamiliar fruits of unsullied praise won from the enemy, and, by means of spoils justly taken from the madness of foreigners, acquit me of those triumphs stained with guilt.⁸¹

79 On this, see Haake (forthcoming).

80 On the occasion, location, and audience of the panegyric poem, see Dewar 1996, xlv–xlv.

81 Claud. *VI cos. Hon.* 392–406 (trans. Dewar 1996, with slight modifications).

When talking of three civil-war triumphs that Roma had to endure unwillingly within her walls, Claudian very likely thought of Constantine's victory celebrations over Maxentius in 312, Constantius II's over Magnentius in 357, and Theodosius I's over Magnus Maximus and his son Flavius Victor in 389.⁸² Even if in this situation Claudian voices his general disapproval of civil-war triumphs in order to cast the triumphators Honorius and Stilicho in battle against Goths in a glorious light, the emperor before whom Claudian was speaking was not entirely exempted from criticism. In another passage of the poem, Claudian mentions a circumstance that must have been very well known to his audience: that Honorius had, then just a child, participated prominently in his father's triumph—precisely, one of the criticized civil-war triumphs.⁸³

Aristocratic counter-discourses can be detected also in the immediate aftermath of Theodosius' civil-war triumph. A letter of Libanius reveals that Ammianus Marcellinus, without doubt the most outstanding Roman historian of his time, presented his work in several recitations in Rome around 391–392.⁸⁴ It is perfectly plausible that Ammianus will also have presented a passage of his history that ostensibly deals with the Triumph of Constantius II over Magnentius in 357 but may also be read as a direct commentary on the civil-war triumph of Theodosius, which must have been fresh in the memory of Ammianus' audience. In one of the most famous passages of his work, Ammianus attacks the victor in civil war with harsh words:

As if the temple of Janus had been closed and all his enemies overthrown, Constantius was eager to visit Rome and after the death of Magnentius to celebrate, without a title, a triumph over Roman blood. For neither in person did he vanquish any nation that made war upon him, nor learn of any conquered by the valor of his generals; nor did he add anything to his empire; nor at critical moments was he ever seen to be foremost, or among the foremost; but he desired to display an inordinately long procession, banners stiff with goldwork, and the splendor of his retinue, to a populace living in perfect peace and neither expecting nor desiring to see this or anything like it.⁸⁵

With their criticism of triumphs *ex sanguine Romano*, Ammianus and Claudian take up at the turn of the fifth century a narrative that reached far back into

82 Cameron 1969, esp. 262–264; Barnes 1975, 325–333; Dewar 1996, 283–287.

83 Claud. *VI cos. Hon.* 53–76.

84 This can be seen in a letter by Libanius to Ammianus: Lib. *Ep.* 1063 [Förster] (cf. esp. §2). The letter can be dated quite precisely to 392; at that time, Ammianus had already won a victory wreath for his recitations. On Ammianus' visit to Rome, see Bloch 1963, 207–208.

85 Amm. Marc. 16.10.1–2 (trans. Rolfe 1935, with minor modifications).

the Roman past and was bound up in the Republican self-understanding of the senatorial aristocracy of Rome. The question of what prestige a Roman *imperator* could win from a civil war had arisen for the first time, with all urgency, during the turmoil of the first century BC, when the Republican constitution crumbled under the weight of the uncompromising ambitions of its highly competitive elite. At a time when a magistrate's military success was the most significant proof of his social status and political standing, the answer to the question of appropriateness of a civil-war victory was answered unmistakably again and again: a triumph could not possibly, could not legitimately follow a civil war!⁸⁶

This taboo had been seared into the aristocratic-Republican self-understanding, and it markedly influenced how civil-war victories in the late Republic were treated. The overwhelming honor, glory, and prestige that derived from an unclouded, joyous victory celebration after a successfully concluded war against external enemies were denied the mere victor in a civil war: a *bellum civile* added no territory to the empire, brought no new tribute to Rome or even plunder that had not already lain within Roman territory; the Roman people would not have considered it a joyful sight, if the victor publicly paraded the captives in a city and had the leaders executed, as was customary in a regular triumph over external enemies; soldiers who returned victoriously from battle against hostile Roman troops rather “brought swords wiped clean back to camp,” and the victorious general “returned to the city with only a moderate display of joy on his face,” as Valerius Maximus assures the reader.⁸⁷

Yet there was never such a rigid dichotomy in the way ordinary *bella*, on the one hand, and *bella civilia*, on the other, were treated as is so often claimed in Roman literature and as Claudian also implies in the speech put in the mouth of Roma. As recent research has shown with growing clarity, several options evolved in the late Roman Republic for exploiting even a victory against Roman adversaries in a civil war so as to underline the achievement of the victor on behalf of the *res publica*.⁸⁸ It may even be asserted that beginning with Sulla's two-day triumph *de rege Mithridate* (81 BC) special codes for civil-war victories were established and could be utilized even in a regular triumph largely without difficulty—as long as the triumph was formally celebrated for success over external enemies. From the start, the essential topos centers on the concepts of

86 The most prominent source is Val. Max. 2.8.7; but see also Cic. *Phil.* 14.23–24; Liv. 6.16.5 (see also Liv. 1.23.1, 3.63.8, 8.33.13); Vel. Pat. 2.67.4; Luc. *Bell. Civ.* 1.12; Flor. 2.10.1, 2.10.9; Tac. *Hist.* 4.4.2; Plut. *Caes.* 56.7–9; Aul. Gell. *Noct. att.* 5.4–5, 5.7–8; Cass. Dio 42.18.1, 43.42.1, 51.19.5.

87 Val. Max. 2.8.7: *abstersos gladios in castra rettulit; vultu moderatum prae se ferens gaudium in urbem revertit.*

88 Cf. Lange 2009, 82–90; Lange 2013; Lange (forthcoming); Havener (forthcoming).

liberatio and *restitutio*: in the course of his triumph, Sulla not only solemnly returned exiled Romans to Rome but also presented the gold and silver that C. Marius the Younger had taken from Roman temple treasuries and brought to Praeneste, which now the victorious general was restoring.⁸⁹ The successful *imperator* deliberately kept his triumph free of the bloody scenes that ensued upon the proscriptions he had ordered: the Roman public saw no captured or killed Romans in the victory procession, not even in the form of pictorial representations.

Down to the end of the Republic, famous triumphs and ovations repeatedly incorporated individual elements that alluded to victories in civil war in a similarly reserved manner.⁹⁰ Only Caesar, thirty-five years after Sulla, incorporated in his triumph *ex Aegypto* (46 BC), which he used as “pretext for celebrating his civil-war victory,”⁹¹ explicit references to civil war displayed in a purposefully triumphalistic manner. It is particularly notable that the triumphator displayed pictures that illustrated how his Roman opponents Scipio, Petreius, and Cato took their own lives in despair over their defeat. With this dramatic representation, Caesar chose to place his civil-war enemies nearly on the same level as external enemies. According to Appian, though, the public was not amused by this show: only the illustrations of defeated non-Romans gave cause for celebration—despite their fear of the dictator, the people publicly lamented the dying Romans.⁹²

The Augustan reconfiguration of the Roman political order can be understood only in the light of Caesar’s failure. In many ways, Octavian/Augustus calibrated the emerging Principate in such a way that the weak points his adoptive father had opened up were avoided as far as possible. His treatment of civil war is an excellent example: the crucial military achievement of Octavian/Augustus was that he emerged victorious from the dramatic civil wars that had corroded the Republican order, and he palpably integrated this success in his triumphal ideology, characteristically merging his triumphal achievements over external and internal foes. In the course of his triple triumph in 29 BC, Octavian celebrated on the second day his *triumphus ex Actio*, a victory *de iure* over Cleopatra, but *de facto* combining, as scholars now clearly acknowledge, the semantics of *bella* and *bella civilia*.⁹³ In contrast to Caesar, however, he successfully devised an acceptable way of utilizing his civil-war victories for shaping his public image.

89 Plut. *Sull.* 34; Plin. *Hist. Nat.* 33.16.

90 The cases are collected by Lange 2013; Havener (forthcoming).

91 Lange 2013, 76.

92 App. *Bell. Civ.* 2.101 recounts this gruesome spectacle.

93 See, in particular, Lange 2009, 73–93; Lange 2011; Havener 2013.

Octavian/Augustus never explicitly celebrated a *victoria civilis*; his successes in civil war were always sublimated and conceived as part of the more comprehensive deeds of the first man in the state on behalf of the *res publica*. The civil-war victory was thus carefully linked on the symbolic level to the victor's successes in battle against external enemies. In his posthumous *Res gestae*, Augustus strikingly turns this integrative gaze upon his own military accomplishments. He attributes to himself the achievement of successfully concluding *bella civilia externaque*, thus wars against both internal and external enemies, in the interest of the *res publica*.⁹⁴ The interpretive patterns with which successes were stylized as salutary events were conceived in complementary fashion: achievements in civil war (as already with Sulla) served the ideals of *liberatio* and *restitutio* within the empire, as external victories served to extend its boundaries and the glory of the Roman commonwealth.

The martial aspects of war were represented explicitly only with respect to external successes, while in the case of civil war plausible pictorial symbols were chosen to soften the offensiveness of the killing of Roman citizens. Octavian/Augustus transformed the ship beaks of the defeated fleet at Actium into the most prominent symbol of his *victoria civilis*. They adorned not only the victor's coinage but also the temple of Divus Julius and the victory monument at Actium itself.⁹⁵ Octavian/Augustus carefully avoided any triumphalistic gestures of dominance over his enemies wherever Roman citizens had suffered bereavement. This deliberate restraint made the victor's role acceptable; the civil war could thus be viewed as an integral component of the *princeps'* deeds on behalf of the state and even be honored by the granting of a triumph and the erection of a triumphal arch.⁹⁶

Octavian/Augustus thus manifestly returned to the modes of utilizing success in civil war established before Caesar; he simultaneously, however, intensified and refined this symbolism, setting a precedent for negotiating victory in civil war that would profoundly influence the next three centuries: whenever a Roman emperor could look back not only upon an external (or allegedly external) victory, but also upon the conclusion of a civil war—Vespasian and Titus, Septimius Severus, and Aurelian spring to mind—the imperial self-representation essentially followed the same pattern until the early fourth

94 Aug. *Res gest.* 3.1, 34.1.

95 Cf. Prop. 2.131–34; Cass. Dio 51.19.2. On the victory monument at Actium, see Murray/Petsas 1989; Zachos 2003; Itgenshorst 2005; Katalog p. 412; Lange 2009, 95–123; Pollini 2012, 191–196.

96 On the relationship between the arch and the civil war, see Cass. Dio 51.19.1; on the arch itself: Holland 1946.

century.⁹⁷ the notions of *restitutio* and *liberatio* within the empire were constantly associated with significant victories over external enemies, thereby creating a general view of wholehearted service to the *res publica*.

Despite innovative trends that came more solidly into view over the third century (especially conspicuous in the demise of Maximinus Thrax and the display of Zenobia and the two Tetrici in Aurelian's triumph), the Augustan principle of complementary and integrative utilization of *bella civilia externaque* remained valid until the Tetrarchic period. This can be seen in a wide variety of literary, epigraphic, and numismatic sources, but a short passage in the speech *Pro instaurandis scholis* expresses this continuity with particular vividness. In the late 290s, the Gallic rhetor Eumenius addressed the governor of the province Lugdunensis to plead for support for the renovation of a school building in his home city of Autun.⁹⁸ In his speech, Eumenius remarks on a world map that had been mounted in the portico of the local school to illustrate to rhetoric students the extent of the Imperium Romanum. With an imaginary examination of the map, Eumenius calls to his audience's mind the glorious deeds that the four rulers have done in the most diverse regions of the empire for the good of the Roman people. Two conflicts with internal enemies are paired to two with external enemies. It is significant that Eumenius fuses both kinds of conflict into a general view of triumphal rulership, yet also noticeably differentiates between them in his choice of metaphors. Metaphors of destruction are reserved for external conflicts, while metaphors of a civil nature are chosen for internal altercations:

The minds of the people gazing upon each of these places will imagine Egypt, its madness given over, peacefully subject to your clemency, Diocletian *augustus*, or you, invincible Maximian, hurling lightning upon the smitten hordes of the Moors, or beneath your right hand, lord Constantius, Batavia and Britannia raising up their muddled heads from woods and waves, or you, Maximian *caesar* [Galerius], trampling upon Persian bows and quivers.⁹⁹

The Augustan template that Eumenius evokes so clearly in this passage only disintegrated in the chaos of the late Tetrarchy. After the premature death of Constantius I, Tetrarchic consensus degenerated into a violent struggle for empire-wide supremacy within a changing cast of rulers and usurpers. In this context, the years 306 to 315 were characterized by an outright competition

97 On victorious representation under Septimius Severus and Aurelian, see Haake (forthcoming).

98 *Pan. lat.* 9(4). On the author and context, see Nixon/Rodgers 1994, 145–150.

99 *Pan. lat.* 9(4).21.2.

among the co-rulers for military accomplishments and prestigious victory titles: in the midst of a contested division of territory, a ruler's charismatic qualities could become the decisive criterion for validating his individual claim to legitimacy.¹⁰⁰

However, Constantine, who entered the Tetrarchy as *caesar* after the death of his father on July 25, 306, had only the unsuitable territory along the Rhine with which to prove his military qualities in this situation. *Propagatio imperii* there had long since ceased to be a reasonable goal, and no worthy opponent in the form of a well-organized, powerful rival like the Sasanids in the East presented himself; the Germanic tribes did not pose a serious threat, and defensive skirmishes or recurring revenge campaigns would have hardly impressed Constantine's rivals in other parts of the empire.

Constantine appears to have recognized the problem early. From early 307,¹⁰¹ he seems to have begun to hunt for occasions to demonstrate his military brilliance in a way that would resonate beyond the *cavea* of Trier's amphitheater. Constantine not only devastated entire swaths of land and burn down villages on the right bank of the Rhine. In the context of the triumphal celebrations for his first German victory in Trier, he even spectacularly executed the captured German kings Ascaric and Merogais—a deed for which he is still praised even in Nazarius' panegyric from 321.¹⁰²

However, not until his victory over Maxentius could Constantine claim a military feat that indisputably merited empire-wide respect. The way that Constantine staged his success shows that he had set his sights on an unmistakable message of political-military dominance to the entire empire. To place his civil-war victory on par with the glorious achievements of past triumphators, and so to reinforce his claim to supremacy, Constantine was the first not to confine his *victoria civilis* to only one area of his military representation but rather celebrated it as unadulterated proof of his comprehensive military success and glory. To be sure, the killing of a civil-war enemy was embedded in and framed by civil values, such as "liberation" and "restoration," but Constantine was nonetheless the first Roman emperor to advertise his accomplishments

100 On the Tetrarchic titulature, see n. 77, this chapter.

101 In early 307, Severus' attempt to crush Maxentius' usurpation failed; the unlucky emperor was deserted by his soldiers and fell into the hands of his opponent. In this situation, Galerius abstained from elevating Constantine to *augustus* (for possible reasons, see Wienand 2012, 119–139). Reference to his success in battle against the Franks apparently helped Constantine reinforce his demand for promotion.

102 The victory celebration is called *triumphus* in *Pan. lat.* 12(9).23.3. The killing of the German kings is celebrated in *Pan. lat.* 7(6).4.2; *Pan. lat.* 6(7).10.1–12.1; *Pan. lat.* 4(10).16.4–6. *Pan. lat.* 6(7).12.3 lauds Constantine for killing and capturing countless barbarian enemies, slaughtering or seizing their cattle, and burning down their villages.

in a civil war in a way that was fundamentally indistinguishable from wars against external enemies—to the point of promoting such disturbing images as that of an emperor bespattered with the blood of enemy Roman soldiers killed at his own hands.

Even if this development was due primarily to internal conflict caused by a highly contested sharing of power, such a drastic representation of war against Roman citizens had been made possible in the first place by a profound process of sociopolitical transformation of the Roman monarchy and Roman empire in the third century—a period in which Roman emperors and their generals ultimately gained sufficient distance from the senatorial milieu from which they originated for an outright military monarchy to emerge.¹⁰³ At the same time, the status of Roman citizens had lost its cohesiveness with the promulgation of the *constitutio Antoniniana*, the enactment of Caracalla in 212 that made (virtually) all free male inhabitants of the empire Roman citizens. The transcultural, identity-forming power of citizenship was gradually eroded by regionalizing trends. Regional and local identity acquired real significance in people's lives: intensified regional recruiting patterns, the construction of permanent *limes* fortresses (which were networked ever more intimately with surrounding settlements in both economic and social respects), and, from the end of the second century, official permission for soldiers to marry and start a family during active military service led to the slow but steady increase in the importance of regional identities in the military, whereby identification with Roman citizenship successively lost its allure. The rising proportion of barbarians in the Roman army must have favored this development.¹⁰⁴

Contemporaneously, the high number of military conflicts within the empire had made victories in civil wars almost a regular occurrence, while the Roman legions progressively lost the necessary clout to achieve external success worthy of the name. As the ruler's dependence on the loyalty of the military leadership grew, the role of the emperor as a charismatic warrior and victor came to the forefront of Roman imperial self-representation. The widening distance between the sovereign and the Roman aristocracy in these circumstances permitted what formerly was excluded from internal

103 For the basic outlines of this development, see John 1988.

104 On the economy, see Le Bohec 1993, 236–267; Whitby 2000; Le Bohec 2010, 217–223; on recruiting: Le Bohec 1993, 74–114; Haensch 2001; Le Bohec 2010, 66–80; on the *Constitutio Antoniniana*: Sherwin-White 1973; Wolff 1976; Buraselis 2007; on social changes in the Roman army: Treadgold 1995, esp. 158–186; Lee 2007, esp. 147–175. The growing regionalization of the Roman army was anticipated already by changed recruiting methods during the transition from the Republic to the Principate; on this, see Keppie 1997. On barbarians in the Roman army, see Barnes 2011, 155; cf. also Lib. Or. 30.6; Zos. *Nea hist.* 2.15.

competition: the open integration of the *victoria civilis* in the repertoire of imperial self-representation. Only against the background of these structural changes, on the one hand, and the power struggles of the late Tetrarchy, on the other, could Constantine so forcibly break a centuries-old taboo in his *triumphus ex sanguine Romano*.

The new template of *victoria civilis* that Constantine created in 312 would shape the triumphal representation of the Roman emperor down to the time of Honorius. The Roman victory celebrations of Constantine, Constantius, Theodosius, and Honorius were decidedly and primarily celebrations of victory in civil war, and they were all viewed as triumphs. In the broader contexts of their victories, all four emperors used the severed heads of their domestic rivals as powerful proof of their military superiority.¹⁰⁵ Even Honorius did not fail to exploit the symbolic capital that his adversaries' corpses presented him: in the years 411 and 412, he had the heads of the usurpers Constantinus, Jovinus, Sebastian, and Sallustius first paraded around Ravenna and then circulated throughout the provinces.¹⁰⁶ Only in the triumph of 416 in Rome did his demonstration of victory focus on the *calcatio colli* and public mutilation of his opponent in civil war: the disfiguration of the usurper's body was reduced to a scale moderate enough for the victor to display his clemency as well.

The destruction of Roman enemies was also explicitly celebrated by Constantine's successors. Constantius II was praised for his costly victory over his civil-war enemy at Mursa as *extinctor pestiferae tyrannidis*, *victor ac triumphator*, and *semper augustus*.¹⁰⁷ The inscription on the obelisk base that Constantius had erected in the Circus Maximus after his victory over Magnentius celebrates the "slaughter of the tyrant" (*cu[m] clade tyranni*), in honor of which the monument was raised as a trophy (*tropaeum*).¹⁰⁸ In Constantinople, after his victory over Magnus Maximus, Theodosius had the *porta aurea* constructed as a triumphal arch with an inscription that tied the monument to the demise of the tyrant: *haec loca Theodosius decorat post fata tyranni*.¹⁰⁹ The obelisk of Theodosius, also in Constantinople, itself was raised on the occasion of victory

105 After Constantine, Constantius II also had the severed head of his civil-war opponent displayed, but since the triumph occurred several years after the victory, the head was probably not shown in Rome itself; cf. Amm. Marc. 22.14.4. Also after the defeat of Magnus Maximus by Theodosius, the head of the vanquished ruler was paraded through the area: Pan. lat. 2(12).38.5.

106 Cons. Const. a. 411; Annales Ravennates a. 412; Additamenta ad Prosperum Havniensia a. 413; Theoph. Chron. AM 5904.

107 ILS 731, CIL 6.1158.

108 CIL 6.1163; on this inscription, see Henck 2001, especially 282–283; further triumphal monuments of Constantius II are discussed by Szidat 1997.

109 See Strzygowski 1893/1894; Bardill 1999; Bassett 2004, 212.

in civil war: according to the base inscription, the monument bears the palm of victory for the “extinction of the tyrants” (*extinctis tyrannis*).¹¹⁰

As testimony such as that of the great civil-war triumphs of Constantine, Constantius II, Theodosius I, and Honorius impressively shows, *victoria civilis* had evolved into a veritable focus of triumphal rulership in the Roman empire of the fourth and early fifth centuries despite the critical assessment of civil-war victories by the traditional elite and Christian observers. For Lucan in the first century AD, civil wars were still “wars that could win no triumphs”;¹¹¹ yet for the panegyrist Pacatus at the end of the fourth century, the relationship between civil war and triumph has changed. In the context of the celebration of the triumph that Theodosius held in Rome on the first anniversary of his victory over Magnus Maximus, the panegyrist declared in the presence of the emperor, the *consistorium*, and the Roman senate: “Now you have seen a civil war (*civile bellum*) ended with the slaughter of enemies (*hostium caede*), a peaceful soldiery, the recovery of Italy, and your liberation; you have seen, I repeat, a civil war ended for which you can decree a triumph (*vidisti, inquam, finitum civile bellum cui decernere posses triumphum*).”¹¹²

As Pacatus here clearly suggests, a triumph for a civil war still had criteria all its own: the “slaughter of enemies” is restricted to the battlefield, which is expressed by the immediately following phrase *militum pace* (“a peaceful soldiery”). The goal of civil war is the restoration of civil order, evoked in the catchwords *liberatio* and *recuperatio*. At the same time, however, triumphs for purely civil wars—this also clearly emerges from Pacatus’ oration—had become regular events. This development had been favored by profound structural changes in the Roman empire and its monarchy. From the third century onward, the empire was no longer a Principate situated in a senatorial environment in Rome but rather a thoroughly militarized, decentralized imperial system distant from the senatorial aristocracy of Rome, centered around imperial residences, and (temporarily) fragmented into the domains of various co-rulers. The innovative treatment of civil war in the fourth and early fifth centuries also, however, owes much to the massive aftershock released by Constantine’s calculated breaking of taboo. Fostered by the precedent of 312, triumph in civil war had become a highly adaptable concept that could powerfully demonstrate

¹¹⁰ CIL 3.737; see Traquair/Wace 1909.

¹¹¹ Luc. *Bell. Civ.* 1.12.

¹¹² Pan. lat. 2(12).46.4: *vidisti civile bellum hostium caede, militum pace, Italiae recuperatione, tua libertate finitum; vidisti, inquam, finitum civile bellum cui decernere posses triumphum*. On Pacatus, the date, and the circumstances of the speech, see Nixon/Rodgers 1994, 339–340. On the usurpation of Magnus Maximus, see Errington 2006, 31–38, and Nixon/Rodgers 1994, 441–447.

the military and civic virtues of the victor, highlight their benefit to the whole empire, and legitimate the emperor's claim to supremacy.

The progressive Christianization of the Roman monarchy posed no hindrance to this development, although the military role of the emperor could by no means simply be extrapolated from Christian tradition. The triumphator transformed ever more into a *miles Dei*, who ascribed his victory to the cosmic originator of his success: it is conspicuous in Honorius' visit to St. Peter's basilica, where in the course of his triumphal celebrations in 404 (and probably also the civil-war triumph of 416), the emperor laid down his diadem at the *sepulcrum piscatoris*. The victory of the Roman *imperator* was no longer solely or primarily in the service of the *res publica*; it now also represented the fulfillment of divine will and the plan of Christian salvation. Civil war continued to mark a precarious collapse of the social order, and military efforts to overcome it still demanded credible explanation; but *victoria civilis* in the time from Constantine to Honorius nonetheless constituted the most versatile and convincing proof of the labors for the commonwealth that an emperor could offer. Already in 313, a panegyrist joyously declared, Rome at last could now take delight in a victory in civil war: *O tandem felix civili, Roma, victoria!*¹¹³

113 *Pan. lat.* 12(9).20.3: "O Rome, fortunate at last in a civil victory" (trans. Nixon/Rodgers 1994).

Coping with the Tyrant's Faction

Civil-War Amnesties and Christian Discourses in the Fourth Century AD

HARTMUT LEPPIN

THE FOURTH CENTURY WAS A CENTURY OF CIVIL WARS THAT TOOK an extremely high toll in blood and partly crippled the defense of the frontiers. Civil war can also be considered the most extreme form of disintegration: the army, which embodied the empire and—if one considers the elevation of emperors—the Roman people, turned on itself. This disintegration entailed an enormous loss of resources, since an emperor had only a part of the Roman army at his disposal, which was already difficult to replenish.

It was of great importance to the Roman monarchy to find the right way out of the wars. In many sources, the actions of emperors after civil wars thus appear as a litmus test for their quality as rulers. There are accounts of emperors indulging in assigning the most gruesome punishments and thereby proving themselves unworthy—such things are eagerly reported about Valens, for example. Other emperors, such as Theodosius the Great, are reported to have shown mercy, a characteristic most becoming to emperors. The present chapter is based on the assumption that the behaviors of various fourth-century emperors—and probably also those before and after—were in this respect very similar, despite widely divergent descriptions. Even general considerations speak in favor of this view: annihilating the enemy was out of the question in civil war. Killing the enemies of the emperor would have meant the bloodshed of masses of Roman citizens and (because the mass killing of the enemy, who were nonetheless Romans) would have advanced disintegration even further, particularly because an emperor stained with the blood of citizens would have lost his subjects' loyalty. There were also practical reasons for clemency: the notorious difficulty of maintaining the enlistment in the army meant that the Roman empire could not afford to risk the lives of thousands of its own soldiers. Thus, there was no reasonable alternative to the reintegration of the rebellious parts of the army. On the other hand, merely for the sake of deterrence, it was inevitable that an example would be made of some persons.

In consequence, when an emperor prevailed in a civil war, he had to follow a carefully nuanced policy.

Precisely this fact is obscured by the ample amount of diverse and seemingly contradictory sources available to us. A differentiated approach provides authors with material for both praise and criticism. Whereas a panegyrist would draw attention to the mercy of an emperor, a critic—for instance, a historian writing at a distance—would criticize those executions that might have been unavoidable according to ancient conceptions of power. In a way, the generally merciful treatment of opponents in civil wars is an excellent example of the integrative power of Roman emperors, but also an example of the great variety of ways imperial behavior might have been perceived. An approach focusing on the nuances of imperial politics gives insight into both social practice and the diversity of political discourses in the later Roman empire.

It was typically a usurpation that caused a civil war. Although the fate of the usurpers is often discussed,¹ one hears little about the treatment of their supporters, which is highlighted here.² However, it is not my purpose to give a comprehensive treatment, which incidentally would be very promising. I rather intend to present three examples and, on that basis, establish general traits. These three examples are the treatment of the adherents of Magnentius by Constantius II in 352–353, the supporters of Procopius by Valens in 366, and the followers of Maximus by Theodosius in 388. I hope to illustrate that there was a certain policy of amnesty that all three emperors followed after civil wars. These policies, however, were put in a negative or positive light in the sources, according to the bias of the author: thus similarities are made into differences.

MAGNENTIUS AND CONSTANTIUS II

We will start with Magnentius. Constantius II, son of Constantine the Great, had ruled the eastern empire since 337. In 350, a crisis occurred that resulted in several usurpations. Little can be said with respect to Constantius' treatment of soldiers after the short-lived elevation of Nepotianus.³ That of Vetranio was possibly a ploy orchestrated by the legitimate ruler, but treated as a usurpation in coeval sources. It ended with the peaceful surrender of the usurper and

1 Elbern 1984; Paschoud/Szidat 1997. References to the course of the events of the usurpations are drawn from these works. One naturally should not forget that usurpation is a concept of perspective; the rival who is not considered legitimate is always the usurper. On the army: Sabin 2007.

2 Some material is collected in Elbern 1984, 139–143.

3 See Ehling 2001, 141–158.

his soldiers.⁴ Vetrano was granted a generous retirement; his soldiers joined Constantius. There was no need for an amnesty.

The usurpation of Magnentius, which began even before that of Vetrano, was of a completely different nature. Its climax, the Battle of Mursa (September 28, 351), ranks among the most devastating battles of the fourth century. Constantius ultimately prevailed; Magnentius fled and finally committed suicide, along with his son Decentius (August 10 or October 18, 353). Constantius expressly guaranteed the adherents of the usurper an amnesty,⁵ which is praised by various panegyrists. Themistius alludes to the amnesty in his first speech when he speaks of forgoing the death penalty, apparently not in a general sense but with respect to the adherents of Magnentius. Themistius belonged to the senate of Constantinople. In his panegyrics of the reigning emperors he attempted to communicate both the beliefs of the emperor and of the senate, while indeed still claiming to be a philosopher. He expresses himself as follows:⁶ such behavior as Constantius shows is the mark of a wise ruler, who sees it as his task to encourage healing: “The more skillful doctor is one who does not cut off the ailing leg but tries to set it straight and restore it.”⁷ For Themistius, indiscriminate severity belongs to the past. The emperor, instead, softens the law by decreeing milder punishment:

Equally, it is for justice, which is perhaps gentle and sympathetic towards what is of like nature to itself, henceforth to take a position on wrongdoing in general, and distinguish between error, wrongdoing, and misfortune (ἀμάρτημα καὶ ἀδίκημα καὶ ἀτύχημα). For wrongdoing is the transgression of the man who has planned and made a calculated choice; error is, I think, a more violent movement of emotion, when some desire or anger suddenly leaps out, with the spirit not giving way entirely to the motion. But misfortune is complete disaster itself and a fault which attaches itself to someone from somewhere outside.⁸

4 Bleckmann 1994, 29–68; Drinkwater, 2000, 131–159.

5 Fundamental is Portmann 1992, 411–421. He takes the view that one must distinguish between two different amnesties; perhaps, though, one should consider different phases in its application.

6 On the genre of panegyric, see Whitby 1998; Ronning 2007.

7 Them. Or. 1.14c (trans. Heather/Moncur 2001): καὶ ἰατρὸς ἐμπειρότερος οὐχ ὁ ἀποκόπτων πονέσας τὸ σκέλος, ἀλλ’ ὁ πειρώμενος ὀρθοῦν τε καὶ ἀνιστάναι.

8 Them. Or. 1.15c–16a (trans. Heather/Moncur): ἡμέρου γὰρ ἴσως δίκης καὶ πρὸς τὸ ὁμόφυλον συμπαθοῦς κατόπιν ἴστασθαι τῶν ἀδικημάτων ὡς τὰ πολλὰ καὶ διακρίνειν ἀμάρτημα καὶ ἀδίκημα καὶ ἀτύχημα. ἔστι δὲ ἀδίκημα μὲν παρανομία βουλευσαμένου καὶ προελομένου τῷ λογισμῷ, ἀμάρτημα δὲ πάθος, οἶμαι, κίνησις σφοδροτέρα ἐπιθυμίας τινὸς ἢ ὀργῆς ἄφνω προεξαλλομένης, οὐ συνενδούσης ὁλοκλήρου τῆς ψυχῆς τῷ κινήματι. τὸ δὲ ἀτύχημα παντελῶς ἀβούλητός τις ξυμφορὰ καὶ πταίσμα ἀλλαχόθεν ἄλλῳ προσαρτώμενον. The distinction, which probably derives from Aristot. *Eth. Nic.* 5.8.6–8 (1135b 11–26), appears in other passages of Themistius as well (Or. 9.123d, 19.230a). On the amnesty of Constantius, see also Them. Or. 6.80c.

Themistius is too skilled a rhetor to assign the usurper's adherents to one group en masse but rather suggests that they do not belong to the category of criminals. The praise of the amnesty is thus connected to the demand for discriminating treatment; the orator does not assume that a universal amnesty is commonly expected.

In his speeches about Constantius from the years 356–358 Julian also praises his uncle's amnesty. He describes it with the technical term *ἄδεια*, and although he notes exceptions, he otherwise stresses that there were no banishments or confiscations.⁹ Julian considers the amnesty decree an expression of *μεγαλοψυχία* (magnanimity), a central imperial virtue. Both speakers focus not so much on the integrative aspects of the amnesty decree in a general political sense but rather on the personal feelings of relief felt by the subjects who benefited from it.

In the case of the amnesty for Magnentius' followers, we are in the fortunate position of being able to refer to legislative texts. In 354, Constantius informed the urban prefect of Rome, Cerealis, that all misery dating to the usurpation would be cut away and all people may feel safe, excepting those guilty of the five crimes punishable with death.¹⁰ Thus, an amnesty is proclaimed here too, though with clear and none too narrow exceptions. The state of the textual tradition leaves the emperor's justification only partially known, but the thrust appears to correspond to the statements of the panegyrists.

It would be worth knowing how Constantius' Christian supporters might have interpreted his behavior. Most of the favorable literature has regrettably been lost, since he was considered a heretic in later times. Nonetheless, one account from within his circle has been preserved in Nicaean ecclesiastical historiography. It concerns an event that the authors date after the Battle of Mursa.¹¹ The church historian Socrates reports the following:

But at last Magnentius having been defeated near Mursa—a fortress of Gaul—was there closely besieged. In this place the following remarkable incident is said to have occurred. Magnentius desiring to reassure the courage of his soldiers who were disheartened by their late overthrow, ascended a lofty tribunal for this purpose. They, wishing to give utterance

9 Iul. Or. 1.31 (38b): κηρύγματα δὲ ἦν λαμπρὰ καὶ βασιλικῆς ἄξια μεγαλοψυχίας· ἄδεια δὲ πᾶσιν ἐδίδοτο τοῖς ταξαμένοις μετὰ τοῦ τυράννου, πλὴν εἴ τις ἀνοσίῳ ἐκείνῳ φόνων ἐκοινώνει· ἀπελαμβάνον τὰς οἰκίας ἅπαντες καὶ τὰ χρήματα καὶ πατρίδας οἱ μὴδὲ ὀψεσθαι τι τῶν φιλιτάτων αὐτοῖς ἐλπίζοντες; vgl. Iul. Or. 3(2).7 (58b/c).

10 Cod. Theod. 9.38.2: *Omnia penitus amputentur, quae tyrannicum tempus poterat habere tristissima. universos ergo praecipimus esse securos exceptis quinque criminibus, quae capite vindicantur*; for such exceptions, cf. Const. Sirmond. 7; Cod. Theod. 9.38.3, 9.38.6.

11 Fundamental for the contemporary interpretation, Bleckmann 1999b, 47–101.

to the usual acclamation with which they greet emperors, contrary to their intention simultaneously all shouted the name not of Magnentius, but of Constantius Augustus. Regarding this as an omen unfavorable to himself, Magnentius immediately withdrew from the fortress.¹²

What is illustrated here is the dramatic loss of loyalty. Because the consensus of a large group, namely, the army, is interpreted as a sign from god,¹³ which is what Magnentius does in Socrates, the event has a religious connotation that must be interpreted as Christian in the context of Socrates' history.¹⁴

As often, Sozomen adopts and reworks Socrates' report: the usurper had to endure several battles in Gaul with varying success:

At length, however, Magnentius was defeated, and fled to Mursa, which is the fortress of this Gaul, and when he saw that his soldiers were dispirited because they had been defeated, he stood on an elevated spot and endeavored to revive their courage. But, although they addressed Magnentius with the acclamations usually paid to emperors, and were ready to shout at his public appearance, they secretly and without premeditation shouted for Constantius as emperor in place of Magnentius. Magnentius, concluding from this circumstance, that he was not destined by God to hold the reins of empire, endeavored to retreat from the fortress to some distant place.¹⁵

Compared to Socrates, the passage is stylistically more refined. However, most conspicuously Sozomen gives an explicit Christian interpretation that has to be read between the lines in Socrates' text: The event shows the will of God. Even if this is merely an inference that Sozomen has Magnentius make, Magnentius' ultimate defeat proves to Sozomen's readers that God had not chosen him to be emperor. In both accounts, the soldiers are not independent, accountable agents, but merely express the will of God. They are not deserters, but the tools of a higher being.¹⁶

12 Socr. *Hist. eccl.* 2.32.2–5.

13 See, e.g., Heim 1990, 160–172; Leppin 1996, 154–155.

14 Emphasized differently in Bleckmann 1999b, 58.

15 Sozom. *Hist. eccl.* 4.7.1–2 (trans. Schaff/Wace): τὸ τελευταῖον ἡττηθεὶς Μαγνέντιος ἔφυγεν εἰς Μούρσαν (Γαλατῶν δὲ τοῦτο τὸ φρούριον). ἀδημονοῦντας δὲ τοὺς ἰδίους στρατιώτας ὡς ἡττηθέντας ὁρῶν, ἐφ' ὕψηλου στᾶς ἐπειρᾶτο θαρραλεωτέρους ποιεῖν. οἱ δὲ, οἷά γε εἰώθασιν ἐπευφημεῖν τοῖς βασιλεῦσι, καὶ ἐπὶ Μαγνεντίῳ φανέντι εἰπεῖν προθυμηθέντες ἔλαθον οὐχ ἐκόντες Κωνστάντιον ἀντὶ Μαγνεντίου Αὐγουστον ἀναβοήσαντες. συμβαλὼν δὲ ἐκ τούτου Μαγνέντιος ὡς οὐ δεδομένον αὐτῷ θεόθεν βασιλεῦειν, πειρᾶται καταλιπὼν τοῦτο τὸ φρούριον προσωτέρω χωρεῖν.

16 Zos. *Nea hist.* 2.463–47.1 curiously states that the intervention of Philippus (cos. 348) caused Magnentius' soldiers to lose faith in him before the Battle of Mursa.

If we look back over these texts, we see a picture of an impressive amnesty, ideal for creating inner peace. However, we must ask ourselves which serious historian first looks at sources that are so patently partisan as those of panegyrists and church historians? Our main source for this period is Ammianus Marcellinus, who writes at temporal and personal distance. He provides us with information quite different (14.5). From him we hear of innocent victims who are brutally murdered, of the raging of Paul Catena, who even in Ammianus' opinion exceeds the powers given to him by Constantius II (§ 6–9). He tells of the *asperitas* of the emperor (§ 4), who neither suspends any death sentence (§ 5) nor grants any pardon (§ 9)—this is completely contrary to what Themistius says.

The evidence of the sources from Constantius' court and the historiographer is easier to reconcile than it may at first appear. It is a question of perspective. Ammianus focuses on the relatively few people who did not benefit from the amnesty—not even the celebrators of the amnesty denied that there were such cases. The victims came from the same milieu as the historian, such as—to mention one victim who is named—Gerontius, Magnentius' *comes*, who was even tortured. Obviously, the historian was particularly sensitive in his case. Incidentally, even though Ammianus emphasizes the victims with such gusto, he does not mention victims from among the soldiers. They were all apparently spared.

PROCOPIUS AND VALENS

The outcome of the next usurpation that I discuss is also relatively well attested: the usurpation of Procopius at the beginning of the reign of Valens. It is useful to recall the historical context briefly. Valens reigned from 364 to 375. In 363, Julian, the last emperor of the Constantinian house, died. After the brief reign of Jovian, Valentinian, a man of non-aristocratic birth, claimed the throne. He immediately made his brother co-regent and divided the empire between them before departing for the West. Valens stayed behind, weak and legitimated only by his brother's word, and found himself confronted with a series of difficulties.

Procopius¹⁷ apparently attempted to take advantage of this situation. As a relative of the Constantinian dynasty, he gave the impression that he had been Julian's designated successor, particularly as he had overseen Julian's burial. He finally appeared in Constantinople, already after the elevation of Valens.

17 On him, cf. Wiebe 1995, 3–85; Lenski 2002, 68–115.

Here he had himself proclaimed emperor by two legions stationed there on September 28, 365. He quickly won Thrace and Bithynia and assured himself of the aid of the Goths. Valens finally confronted him on May 27, 366, defeating him at the Battle of Nacoleia in Phrygia. Betrayed by two supporters, Procopius was executed along with both deserters—the usual fate of usurpers who were not prepared to commit suicide.

How did Valens deal with the other adherents of Procopius? The sources on this are, at least at first glance, contradictory, so it will be worthwhile to examine them in detail. The witness nearest in time is the seventh oration of Themistius, whom we have met before. Again, the orator celebrates the clemency of the emperor and, following the same communicative strategy of panegyric, ultimately urges him to practice clemency. Themistius declares that he does not want to glorify the victory but rather the way the emperor has used it. He stresses that Procopius has suffered just punishment for his crime, but the emperor had otherwise shown mercy, *philanthropia*, to all the usurper's adherents, thereby winning the loyalty of all his subjects¹⁸—*clementia* had long been a central imperial virtue.

An artful passage in the eighth oration, probably from 368, depicts a visitor who returns to the empire after all these events and finds it unchanged.¹⁹ This sounds like a general amnesty, but it is unwise to extract legal precision from panegyric. From this source one can read that the emperor strived to regain the status quo of the time before the usurpation. At the same time, the usurpation serves as a foil for the emperor's glory. The orator describes what happened as a storm, the participants as victims. That incidentally matches the tone of the seventh oration, the title of which is given in the manuscripts as "On those who suffered misfortune under Valens" (Περὶ τῶν ἡτυχηκότων ἐπὶ Οὐάλεντος).

Themistius is confirmed by Libanius, a teacher of rhetoric active in Syrian Antioch, Valens' intermittent residence. Libanius paints a very ambivalent picture of the emperor in his so-called autobiography (*Or.* 1.171), particularly in the part composed after Valens' death. He attributes to Valens a less lofty

18 See especially Them. *Or.* 7.97c–d; cf. in this vein Symm. *Or.* 1.22. The technical term ἀδεια appears (Them. *Or.* 7.100c), but it is used vaguely and not specifically in connection with the soldiers.

19 Them. *Or.* 8.110d–111a: οἶμαι γὰρ ἔγωγε ὥς εἰ τις ἐκδημήσας τῆς Ῥωμαίων ἀρχῆς τὸν τῆς ἐπαναστάσεως χρόνον καὶ τὴν προτέραν τάξιν ἐγνωκῶς ὑγιῇ τῇ πολιτείᾳ τῇ νῦν ἐπισταίῃ, σφόδρα ἂν ἀπίστους νομίσαι τοὺς ἐξευρόντας τὰ μεταξὺ συμβεβηκότα, οὐδ' ὅτι οὖν εὕρισκων ἀξίως τοσαύτης καινουργίας μετελλαγμένον, ἀλλὰ καὶ ταξίαρχους τοὺς αὐτοὺς καὶ στρατηγούς καὶ λοχαγούς καὶ δορυφόρους καὶ στρατιώτας καὶ τὸ πλήρωμα τῆς γερουσίας, δικαιοτάτα δὴ τοῦτο ἀποσεσσωμένον, ὥστε ζητεῖν οὐκ ἀπεικότως, τίνες ἄρα ἦσαν οἱ συναράμενοι τῷ παλαμναίῳ τοῦτ' τὴν προλαβοῦσαν εὐδίαν. ἀσοφητὶ γὰρ τῆς νῦν γαλήνης ἐπιλαβοῦσης ἢ τοῦ ἐν μέσῳ χειμῶνος αἰσθησὶς ὑπεξήρηται. ἀλλ' ὅπως μὲν εἰς ἀσφαλὲς αὐθις κατέστησας τοὺς ὑπ' ἐκείνης τῆς ζάλης παρενεχθέντας κατ' ἰδίαν ὁ λόγος ὑμνήσας τί ἂν αὐθις παλιλλογοίῃ;

motive for his amnesty than Themistius, claiming he bought himself security through clemency. Here, where there is no attempt to exalt an individual, one can see how clemency might facilitate integration.

But the modern handbooks have nothing to say about any policy of clemency practiced by Valens.²⁰ In fact, it is Ammianus Marcellinus again, supported by the pagan historian Zosimus writing circa 500 (4.8.4f.), who paints a different picture. According to him, “the war being now at an end by the death of the leader, many were treated with much greater severity than their errors or faults required.”²¹ Or,

To those severities other grievances of greater importance, and more to be dreaded than any sufferings in battle, were added. For the executioner, and the rack, and bloody modes of torture, now attacked men of every rank, class, or fortune, without distinction. Peace seemed as a pretext for establishing a detestable tribunal, while all men cursed the ill-omened victory that had been gained as worse than the most deadly war.²²

When we interpret these passages, it is important to remember the extraordinarily negative picture that Ammianus paints of Valens. The emperor appears as the epitome of a reckless ruler, who suspends the law and oppresses the Roman elite with arbitrary trials. Ammianus, in fact, proceeds to these general reflections after the second passage cited. A more nuanced picture emerges if we examine Ammianus' report in detail. He mentions that individual members of the elite were punished with widely differing sentences; even acquittal was apparently quite common (26.10.7f.). Thus, as with Constantius, Ammianus' depiction of Valens can be reconciled with those of Themistius and Libanius. There is good reason to believe that Valens proclaimed general amnesties like Constantius II, while specific punishments were selectively imposed, which one could misrepresent as typical.

Let us consider the group that was involved in the usurpation en masse, that is, the two legions of Procopius and the comrades who joined them. It is nowhere stated that they were punished. Some of them defected to Valens, one part under the leadership of Gomarius already during the battle.²³ What

20 E.g., Lenski 2002, 113; Demandt 2007, 145.

21 Amm. Marc. 26.10.6 (trans. Yonge 1862): *Extirpatis occasu ducis funeribus belli, saevitum est in multos acrius quam errata flagitaverant vel delicta.*

22 Amm. Marc. 26.10.9 (trans. Yonge 1862): *His accedebant alia graviora et multo magis quam in proeliis formidanda. carnifex enim et unci et cruentae quaestiones sine discrimine ullo aetatum et dignitatum per fortunas omnes et ordines grassabantur et pacis obtentu ius detestandum agitabatur, infaustam victoriam execrantibus universis internecivo bello quovis graviorem.*

23 Amm. Marc. 26.9.7–8; Philost. *Hist. eccl.* 9.5; Socr. *Hist. eccl.* 4.5.3–4; Sozom. *Hist. eccl.* 6.8.2; Zos. *Nea hist.* 4.8.2–3 (with somewhat inconsistent reports).

Ammianus has Arbitio, a reliable general under Constantine and Constantius II, say to his soldiers when they threaten to defect from Valens is significant for our assessment of them:

For when that officer . . . accused Procopius as a public robber, and addressing the soldiers who followed his guilty leadership as his own sons and the partners of his former toils, entreated them rather to follow him as a parent known to them before as a successful leader than obey a profligate spendthrift who ought to be abandoned, and who would soon fall.²⁴

The soldiers are not, ultimately, held responsible for their actions. Just as Themistius spoke of a storm that snatched up others in it, here it is error and deception that have led the soldiers astray. Thus they are free from individual blame. There is also no mention of an amnesty for the soldiers—perhaps that went without saying. In any case, there is no trace of a bloodbath or mass-demobilization.

Besides the elite and the army, Ammianus mentions a third group of rebels, the inhabitants of the city Philippopolis. Only part of the passage has been quoted previously: “The war being now at an end by the death of the leader, many were treated with much greater severity than their errors or faults required, especially the defenders of Philippopolis, who would not surrender the city or themselves till they saw the head of Procopius, which was conveyed to Gaul.”²⁵ What actually happened to those affected cannot be recovered from Ammianus. The remark quoted nonetheless points the way: emperors could punish cities collectively.²⁶ Two examples are known from the reign of Theodosius—the entire city of Antioch was punished after a tax revolt, and Thessalonica was penalized with the notorious massacre. For Antioch, an amnesty was proclaimed; for Thessalonica, it was planned at least.²⁷ However, we know nothing concrete about the fate of Philippopolis; at any rate the city survived its punishment.

24 Amm. Marc. 26.9.5: *Publice grassatorem Procopium, milites vero secutos eius errorem filios et laborum participes pristinorum adpellans orabat, ut se ac si parentem magis sequerentur felicissimis ductibus cognitum, quam profligato morem gererent nebuloni destituendo iam et casuro.*

25 Amm. Marc. 26.10.6: *Exstirpatis occasu ducis funeribus belli, saevitum est in multis acrius quam errata flagitaverant vel delicta, maximeque in Philippopoleos defensores, qui urbem seque ipsos non nisi capite viso Procopii, quod ad Gallias portabatur, aegerrime dediderunt.*

26 The collective punishment of provinces is known from the time of the Tetrarchy (Elbern 1984, 142; Patricius does not belong in this list because of the Jewish context); later witnesses are apparently lacking. We coincidentally hear of a tax hike in Gaul after the defeat of Jovinus that was later rescinded; see Sidon. Apoll. *Carm.* 7.206–211.

27 Leppin 2003, 154–155.

It is unknown what Valens' Christian supporters said about the amnesty. Valens was a heretic in the eyes of the Nicaeans just as Constantius had been. Since the Nicaeans prevailed, virtually all texts favorable to Valens have disappeared. The church historian Philostorgius, who wrote around 425–430 was a so-called Eunomian and regarded Valens with less antipathy than other church historians. His writings provide some unique information about these events.²⁸ He reports that the soldiers who went over to Procopius had burned their commander Florentius alive because he had led them from Valens against their will (*Hist. eccl.* 9.5). Here the soldiers represent themselves as victims, a sentiment that manifests itself in the lynching of their erstwhile leader. The principle of catching the small fry and letting the big fish go free seems to be turned on its head here.

If one compares Valens' treatment of the usurper's supporters with that of Constantius II, it is impossible to find any significant difference. The army remains intact, the elite is treated in differentiated ways, and Ammianus tries to make the worst out of it.

MAGNUS MAXIMUS AND THEODOSIUS I

The last example are the supporters of Magnus Maximus. Maximus had held the western empire since 383. He was defeated by Theodosius the Great at the battles of Siscia and Poetovio and fell into the hands of the enemy in the summer of 388. Whether he surrendered,²⁹ was handed over by his soldiers,³⁰ or captured in the assault on Aquileia³¹ can no longer be determined. However it happened, the usurper was killed without requiring the emperor to get his hands dirty. Nonetheless, it was advertised that Theodosius had intended to pardon him.³² Shortly thereafter Victor, Maximus' son, was also killed. Let us examine the fate of his followers:

The panegyric of the Gallic orator Pacatus, who delivered the speech in Rome in 389, is an important document of Theodosius' imperial self-representation. Like Themistius and Julian before, Pacatus praises the general amnesty (*venia*) that Theodosius granted by taking them into his motherly bosom:

Pardon embraced all the rest, enfolded as it were, in a maternal bosom.
The property of no one was confiscated, no one's liberty was forfeited,

²⁸ See Leppin 2001, 111–124.

²⁹ *Pan. lat.* 2(12).43.1–2.

³⁰ *Socr. Hist. eccl.* 5.14.1; *Sozom. Hist. eccl.* 7.14.6.

³¹ *Zos. Nea hist.* 4.46.2.

³² *Pan. lat.* 2(12).44.2.

no one's previous rank diminished. No one was branded with censure, no one was subjected to abuse, or indeed reproof, and atoned for a crime which merited death by mortification to his ears. All were restored to their homes, all to their wives and children, all finally—which is sweeter—to innocence.³³

As with the earlier procedure, it is made as if nothing had happened. The concept of amnesty is not contradicted by the legal texts that decree a complete revocation of Maximus' nominations and declare his rulings void.³⁴ The political acts of Maximus are heaped with scorn and the memory of the actions of his adherents likewise erased. The motif resembles the one in the eighth oration of Themistius.

But first back to Pacatus. He does not obscure the fact that exceptions were made and persons were put to death (45.5). He mentions the Moorish guard that was the first to defect from Gratian, as well as gladiatorial trainers. With these he probably means Maximus' generals, among whom Andragathius committed suicide (Zos. *Nea hist.* 4.47.1; Oros. *Hist.* 7.35.5). He calls the Moors simply *hostes* and in referring to the generals as *lanistae* (45.5) he suggests that they stood outside the respectable Roman world. The result is no different from what happened to the adherents of Magnentius and Procopius: while general amnesty is proclaimed, punishment is inflicted on specific persons.

One action plays a large part in the tradition concerning Theodosius but must be inferred in the two other cases: the sparing of the army. This is a central theme in the Pacatus discussion of the Battle of Poetovio. One unit defected to Theodosius and explained its earlier conduct by reference to *necessitas*—one might say they pleaded “superior orders.” The emperor reacted neither with contempt nor with wrath or derision: “You did not spurn them arrogantly, as offenders, nor carelessly, as if they were of little use, but treating them with kindness and generosity you bade them become Romans.”³⁵ The empire thereby is reunited: “The two armies were united as allies, and separate limbs of the State coalesced under one head. Both armies were animated with

33 *Pan. lat.* 2(12).45.5–6 (trans. Nixon/Rodgers 1994): (*Reliquos*) *omnis venia complexa velut quodam materno sinu clausit. Nullius bona publicata, nullius multata libertas, nullius praeterita dignitas imminuta. Nemo adfectus nota, nemo convicio aut denique castigatione perstrictus culpam capitis aurium saltem molestia luit. Cuncti domibus suis, cuncti coniugibus ac liberis, cuncti denique (quod est dulcius) innocentiae restituti sunt.*

34 *Cod. Theod.* 15.14.6–8.

35 *Pan. lat.* 2(12).36.3 (trans. Nixon/Rodgers 1994): *Quam tu non superbe ut victam, non irate ut ream, non neglegenter ut parum necessariam praeteristi, sed blande liberaliterque tractatam iussisti esse Romanam.*

an equal joy: the one took pleasure in its performance, the other in its pardon, both in the victory.³⁶ Here too the soldiers are freed of all blame.

This episode must undoubtedly have a historical background. Zosimus, who is otherwise hardly favorable toward Theodosius, likewise stresses the reintegration of the rebel units (Zos. *Nea hist.* 4.47.2). More important than the testimony of this unreliable author is the fact that other, contemporary sources show that the emperor transferred a substantial part of the soldiers, indeed elite units, to the East, which he thus strengthened considerably.³⁷ The Gothic column seems to have had a relief that showed the surrender of Maximus' guard.³⁸ If true, this act must have appeared to Theodosius as being of such importance that he depicted the defeated men as Roman soldiers. The integration effected by the amnesty is apparently regarded as an outstanding achievement.

The poet Claudian, who also refers to the courtly milieu, shows some close points of contact with Pacatus. In a speech occasioned by the consulate of Theodosius' son Honorius (395–423), he praises Theodosius for regarding his opponents as citizens, for dismissing his wrath the moment that arms are set aside, and for thereby winning the devotion of the soldiers and the loyalty of his subjects even for his sons; indeed, he mentions donatives to the soldiers on both sides.³⁹ The success of this integrative initiative takes center stage. The amnesty, which was incidentally overshadowed by punishments,⁴⁰ demonstrates continuity in the policy from Constantius II to Valens; the only thing missing is someone to spoil the party: Ammianus Marcellinus, who does not write about Theodosius' reign. Thus Theodosius enjoys a better general reputation than his predecessors.

We, moreover, have special information about the application of the amnesty to an individual. The church historian Socrates maliciously reports that Symmachus, who had delivered a panegyric for Maximus and apparently mistrusted the amnesty in his case (there were, after all, always the notorious exceptions, those punished specifically!), took refuge in a church and obtained

36 *Pan. lat.* 2(12).36.4: *Iunguntur socia agmina et sub uno capite diversa rei publicae membra coalescunt. Ambo pari gaudio feruntur exercitus: hic opera sua gaudet, hic venia, uterque victoria.*

37 Hoffmann 1969/1970, vol. 1, 469–486.

38 Speidel 1995, 131–136, who also cites an artistic model on the Arch of Constantine (Maxentius' guard).

39 Claud. *IV Cons. Hon.* 111–121: *Nec tamen oblitus civem cedentibus atrox/partibus infremuit; non insultare iacenti/malebat: mitis precibus, pietatis abundans./poenae parcus erat; paci non intulit iram;/post acies odiis idem qui terminus armis./profuit hoc vincente capi, multosque subactos/prospere laturae commendavere catenae./magnarum largitor opum, largitor honorum/pronus et in melius gaudens convertere fata./hinc amor, hinc validum devoto milite robur./hinc natis mansura fides;* on the interpretation of the passage for military history, cf. Hoffmann 1969/1970, vol. 1, 102–103.

40 Matthews 1975, 231, n. 226 sees in Symm. *Ep.* 3.81 an indication that the followers of Maximus were treated harshly.

Theodosius' pardon through the pleas of the responsible bishop.⁴¹ Here we see something new. The Christian church serves as a safe haven, and the bishop intervenes on behalf of those in danger.

This is also apparent elsewhere: Ambrose, who was in close contact with the emperor at the time, discloses his own interpretation of the events: in accord with his episcopal office, he pled for mercy on behalf of Maximus' supporters, insinuating that he was successful.⁴² Perhaps the emperor really had given the impression that he had made his decision because of Ambrose's request; the measure otherwise corresponds to his general policy of integration, which he could thus lard with Christian motifs. Certainly harmony between the bishop and the emperor reigned at first, and both benefited from it: the one could play the spokesman of the weak, the other the merciful Christian emperor.

One encounters a thought in this world that is often attributed to Christian influence: the sparing of Maximus' family, which resulted from Ambrose's pleading, as he himself reports.⁴³ As a Christian bishop, he saw it as his duty to bring the emperor to be merciful. In his obituary of Theodosius, Ambrose is very generous with Theodosius in his reconstruction of the historical facts declaring that the emperor did not want those who had aspired to rule to perish; Ambrose thus creates an imperial virtue out of the alleged pardoning of usurpers (Ambr. *De obit. Theod.* 17). Orosius calls the entire victory over Maximus bloodless, because only Maximus and his general Adragathius were killed, thus ignoring the Battle of Poetovio. In such a victory he wants to see a civil-war victory that in his view is typical for Christianity.⁴⁴

These passages are important evidence for the formulation of a normative Christian approach to the treatment of defeated enemies and for advocacy of as complete an avoidance of bloodshed as possible on both sides.⁴⁵ This goes far beyond the famous Vergilian claim *parcere subiectis* (spare one's subjects), which significantly is connected with *debellare superbos* (defeat, lay low the proud).⁴⁶ Menander Rhetor also recommends first evoking the massacre of the

41 Socr. *Hist. eccl.* 5.14.6–9.

42 Ambr. *Ep.* 74; *Ep. extra coll.* 1a(40).25; cf. *Ep. extra coll.* 11(51).1; *De obit. Theod.* 17; *Pan. lat.* 2(12).45.4–7 does not mention Ambrose with respect to the clemency, since he strives to remain religiously neutral; on the corresponding efforts on behalf of the followers of Eugenius, Ambr. *Ep. extra coll.* 2(61).7, 3(62).3–4; Paul. Med. 31.

43 Ambr. *Ep.* 74(40).25; *Ep. extra coll.* 1a(40).32; cf. also Julian's praise for the sparing of the son of Silvanus in Iul. *Or.* 1.39(49a), 3(2).37 (99c/d).

44 Oros. *Hist.* 7.35.7–8, vgl. *Theod. Hist. eccl.* 5.15.3.

45 Completely different at the "Tearless Battle" 368 BC when the Spartans under Archidamos, the son of Agesilaus, defeated the Arcadians, Argives, and Messenians, losing not a single man and killing many of the enemy (Xen. *Hell.* 7.1.28–32; Diod. 17.2.3–4; Plut. *Ages.* 33).

46 Verg. *Aen.* 6.853; for parallels, see Norden 1957, ad loc. (p. 336–337); for the Christian claim, cf. Augustin. *Civ. Dei* 5.26 (p. 264.16–19H).

enemy so as to elaborate on their pardon later on. On the one hand sparing the enemy is justified as a virtue of humanity and on the other by the goal of reminding the audience of their lot.⁴⁷ The consequences of this lofty Christian ambition with its emphasis on brotherly love on the realities of war remain to be seen.⁴⁸

CONCLUSION

Let us recapitulate: the treatment of civil-war opponents by the emperors appears, insofar as one may tell from an analysis of examples, to have been marked by consistent practice. Apparently, there never were brutal blood tribunals against Romans⁴⁹—or at least against those who survived the military conflicts. On the contrary, amnesties after the suppression of a usurpation appear to have been the norm, even if they were constantly celebrated as something new and unexpected. On the other hand, all amnesties were accompanied by the punishment of specific persons, so that the allegation of the emperor having acted cruelly could easily find some substantiation in what had actually happened. Especially so, if a historian of Ammianus' stamp looked more closely or decided to divert his readers' attention to this.

In the writings of Ammianus, as they are familiar from the historiography of the empire, institutional continuity and a tendency of the emperors to grant amnesties to most of their opponents is hidden behind polemic against individual bad emperors and praise for good emperors: in this case, a tendency to grant amnesties to the mass of one's opponents in civil wars. Testimony from the rulers' circle reveals that once an attempted usurpation had been suppressed, the emperors strove to restore previous conditions, banish the memory of the actions of the usurper's followers, and establish the evil reputation of the usurper himself firmly. An amnesty facilitated the integration of former adversaries and thus increased the security of the emperor. High officials were treated differently with a tendency toward clemency, although suicide anticipated condemnation in not a few cases.

Amnesties for usurpers' soldiers, which perhaps did not take a legal form, play a special role. Notably, sources close to the emperors do not even allege

47 Men. Rhet. 374.21–375.4.

48 Orosius at any rate could not hide his delight at the losses among the Goths who fought for Theodosius at the Battle of the Frigidus; see *Oros. Hist.* 7.35.19. The lives of barbarians in such a world counted for little.

49 The murder of the followers of Stilicho's men in 408 was apparently not ordered by the emperor, and the victims were barbarians—the further implication is that the Romans lost valuable troops to Alaric (Zos. *Nea hist.* 5.35.5–6).

that members of the army had committed sacrilege, for which they would have been responsible. At best they were seen as having come under a bad influence. There is no romanticization of soldiers behind such description, but real problems, above all the chronic shortage of soldiers that plagued emperors of Late Antiquity. Usurpers were, after all, typically the leaders of troops of a specific region, which would soon be needed again to defend the frontiers. The victorious emperor thus had a clear interest in integrating these units; he could not afford to execute or demobilize thousands of soldiers. This seems to be so self-evident that it is often not mentioned. The church historians Socrates and Sozomen, for example, briefly describe the gruesome punishment of Procopius and his closest companions but never mention the fate of the army and relate nothing of their handling of Maximus' defeat.

Amnesties that were decreed for the followers of usurpers apparently needed no lengthy justification; nor were they a new phenomenon of the fourth century—the name Caesar and his legendary *clementia* was tied to such measures. Thus, they are not even emphasized as special accomplishments of Christian emperors in ecclesiastical historiography. Amnesties, however, were still actions that lent themselves well to a Christian interpretation, as Ambrose shows. Socrates and Sozomen themselves attribute the desertion of the usurper's troops from the usurper to the emperor, which left an embarrassing blot on their loyalty, to a higher power and thus evoke a Christian context.

This opens a broad field: the Christianization of the empire changed imperial representation and action in many ways. The normative order that served as the foundation for the acceptance of imperial behavior itself changed with Christianity. Christian virtues took center stage.⁵⁰ That must have affected how the treatment of civil-war adversaries was staged. I cannot systematically trace this development here. However, for the sake of contrast I will permit myself a glimpse at a time 200 years later, concerning an episode about which relatively few details are reported.

The Roman Empire was now comprehensively Christianized; in numerous areas bishops performed functions that had previously been the duty of secular elites: in 588–589, under the rule of Emperor Maurice (582–602), a mutiny took place in Syrian Monokarton:⁵¹ the Roman troops expelled their commander Priscus, who was considered pompous, and even plundered his tent as if they were barbarians—as the church historian Evagrius Scholasticus, our main source for this event, comments—and proclaimed a new emperor,

⁵⁰ On which, see Leppin 2012a.

⁵¹ On the episode, which Evagr. *Hist. eccl.* 6.4–5 describes in detail (cf. also Theophyl. 3.5.10; Nic. Call. *Hist. eccl.* 18.16), see Whitby 1988, 286–289; Leppin 2012b.

Germanus.⁵² This was not a civil war in the strict sense that a battle was fought, but a counter-emperor had been installed (even if unwillingly) and excesses of violence had occurred.

Since no commander was able to appease the mutinous soldiers, Emperor Maurice resorted to the support of the Antiochene bishop Gregory, the most important hero in Evagrius' church history. Gregory, who suffered from gout, addressed the soldiers from a litter and actually succeeded in calming them. He released them of the oath they had taken during the mutiny not to accept the new commander Philippicus, and everything ended in a Eucharistic supper. No decision over whether to punish or pardon, though, had yet been made. But the bishop reported to the emperor that Philippicus had arrived in Antioch and the soldiers had met him, the baptized ones in their midst as their spokesmen. They had thrown themselves to the ground and received an amnesty, in this case a full pardon and freedom from punishment. Such events were certainly not the rule, but they show the significance that Christian rituals might have had in the reintegration of army units.

Back to the fourth century: in their treatment of the supporters of usurpers, the Christian emperors appear to have adapted a common procedure and made it their own. This appropriation brought changes with it, in that Christians could legitimately claim to have consistently spared their enemies. This claim was by no means always realized, but it created a new need for justification and for that reason would leave its mark on actual practice.

Another factor contributed to this: amnesties had previously arisen from a direct relationship between the ruler and those concerned, potentially supported by empresses who pled for mercy on their behalf. In the Christianized empire, the bishop enters the equation as spokesman of the defeated. The bishop did not have military divisions at his disposal, but he did have an independent social space, the church, and supporters of his own, who were hard for outsiders to predict. Ambrose had impressively demonstrated this on another occasion—namely, the affair concerning the synagogue of Callinicum. He could simultaneously indebt those who begged the emperor for mercy to himself and thereby increase his influence.

Whether the Christian orchestration of amnesty, which can be identified first under Theodosius, was new, remains to be seen—the sources for the preceding decades are not adequately informative. There is no transmission offering a positive interpretation of the “heretical” homoean emperors and their church allies.

52 PLRE 3A, 529f.

However that may be, the emperors of Late Antiquity, whether under Christian influence or not, could never afford bloody reprisals that would demand many victims from among their opponents in civil war. If they wanted to preserve their resources and integrate the population, namely, the army, they had to resort to amnesties. Christianity changed this necessity little, though it did present new justifications.

NOTE

This is the revised English version of my article “Überlegungen zum Umgang mit Anhängern von Bürgerkriegsgegnern in der Spätantike.” In *Vergeben und Vergessen? Amnestie in der Antike*, ed. K. Harter-Uibopuu and F. Mitthof, 337–357, Wien: 2013.

Pliny and Pacatus

Past and Present in Imperial Panegyric

CHRISTOPHER KELLY

IN JUNE 388, THE EASTERN EMPEROR THEODOSIUS I FINALLY MOVED his armies westward to confront the usurper Magnus Maximus.¹ Maximus had first challenged the established pattern of imperial power when five years earlier, in summer 383, he had crossed from Britain into Gaul and defeated the western emperor Gratian, who was hunted down and killed. Theodosius had been selected by Gratian in 379 to rule the eastern half of the empire; his immediate task had been to secure the Danube provinces after the Gothic invasion and humiliating defeat of the Roman army at Adrianople. Even though a treaty conceding Gothic settlement in Thrace had been concluded in late 382, there must still have been concerns about the stability of the northern frontier and an understandable reluctance to compromise troop strength by sending a major expeditionary force to the West. There was also always the possibility that continuing disagreements over the control of Armenia might lead to renewed conflict with Persia. While Theodosius initially seems to have planned to intervene, he shifted ground as the extent of Maximus' support in Gaul became clear.² For the moment, neither Theodosius nor Valentinian II (Gratian's twelve-year-old half-brother and successor) had the political will or military resources to commit to a major civil war.

A fragile settlement recognized the usurper as a legitimate emperor. From his capital in Trier, Maximus controlled Gaul, Britain, the Rhine provinces, and Spain, while in Milan, Valentinian II retained Italy, North Africa, and Illyricum (the Balkans and Greece).³ In 384, the praetorian prefect Maternus Cynegius, sent on a mission to Egypt, was ordered by Theodosius to display publicly in Alexandria portraits of Maximus alongside his two co-emperors.⁴ In 386, the

1 On Maximus' revolt, see, in particular, Errington 2006, 31–37; Nixon/Rogers 1994, 441–447; McLynn 1994, 158–164; Matthews 1975, 173–182, 223–227; Leppin 2003, 87–106, 113–115.

2 McLynn 1994, 164 n. 23; Errington 2000, 895–896; Errington 2006, 270 n. 48.

3 On the extent and division of Illyricum, see Errington 2006, 81–87.

4 Zos. *Nea hist.* 4.373 with Vera 1975, 277–282 modified by Paschoud 1979, 423–426 n. 176; PLRE 1, 235.

consulship awarded by Maximus to his praetorian prefect, Flavius Euodius, was recognized in the East (and paired with that of Theodosius' two-year-old son, Honorius); and the imperial mint in Constantinople issued coins in Maximus' name.⁵ Gossips in Constantinople and Trier no doubt recalled that Maximus and Theodosius had a common Spanish origin and in the late 360s both had served under the latter's father on campaign in Britain.⁶ Perhaps unsurprisingly, suspicion lingers that Theodosius sympathized with Maximus' coup.⁷ Effective—and now fully imperial—rule in the West was clearly also in Theodosius' best interests.

Maximus' decision to invade Italy in early summer 387 was a calculated risk. He was correct in predicting that he would meet little resistance. Valentinian and his entourage fled eastward from Aquileia across Illyricum to the safety of Thessalonica. Others were more accommodating. In Milan, Q. Aurelius Symmachus, the distinguished senior representative of the Roman senate, delivered a panegyric in warm praise of Maximus' virtues and achievements.⁸ But Maximus misjudged Theodosius' willingness to accept this expansion into Italy. Alongside the claims of dynastic loyalty (buttressed in late 387 by Theodosius' marriage to Valentinian's sister, Galla), the East's strategic position was also much improved. In 386, troops on the Danube frontier had prevented a large force of Goths from entering the empire; around the same time, a negotiated division of Armenia significantly reduced the threat of war with Persia.⁹

Maximus' troops were defeated in two engagements in the Balkans; the tyrant—an inevitable smear on the reputation of those who fail to hold onto imperial power—was captured in Aquileia and executed in August 388. A year later, Theodosius commemorated his victory in a glittering parade in Rome. Significantly, Valentinian was not present to share in the celebrations; he had been dispatched in the spring to take control of Gaul. As part of the festivities marking Theodosius' arrival in Rome in mid-June—the first time an emperor had visited the city in triumph for thirty years¹⁰—a panegyric was delivered

5 Matthews 1975, 179; PLRE 1, 297; RIC 9 Const. 83d, cf. Baldus 1984b, 188; Kent 1993, 80–82.

6 Zos. *Nea hist.* 4.35.3; PLRE 1, 588; Errington 2006, 31–32; Nixon/Rodgers 1994, 458 n. 32, 479 n. 83; Paschoud 1979, 412 n. 171; Matthews 1975, 174–176, 224.

7 Nixon/Rodgers 1994, 446; Lippold 1980, 34–35; Palanque 1965, 257; Lunn-Rockliffe 2010, 320–321; and especially the judicious remarks at McLynn 1994, 163 n. 21. The elaborate conspiracy theory of Solari 1934 is rightly dismissed by Matthews 1975, 176; Vera 1975, 289–290.

8 Sogno 2006, 68–69; Matthews 1975, 223; Pellizzari 1998, 47–48.

9 Matthews 1975, 178–179, 224; Blockley 1992, 42–45; Palanque 1965, 262–263.

10 Humphries 2007, 30–33; Cameron 1969, 262–264. The last triumphal visit to Rome was by Constantius II in 357, also celebrating a victory in a civil war. A visit by Gratian in 376 should be discounted (Barnes 1999, 168; Errington 2000, 889–893). The fleeting presence of Valentinian II in 388—sent by ship from Thessalonica with his mother Justina and his two sisters ahead of Theodosius' land campaign against Maximus—was hardly the occasion for public celebration; see Zos. *Nea hist.* 4.45.4 (whose account requires some modification) with Oost 1968, 48; Paschoud 1979, 440–442 n. 191.

in the senate-house.¹¹ In the audience were the emperor, his *consilium* (senior courtiers, high-ranking officials, and military commanders), and senators. It was fitting too that the speech should be given by one who could claim to have suffered directly under Maximus' regime in Gaul. The sense of occasion weighed heavily on the orator, Drepanius Pacatus. "If there was ever anyone, august emperor, who with good reason was fearful when about to speak before you, then certainly it is I. And I both feel it myself and see that this is how I must appear to the members of your *consilium*."¹²

CONSTRUCTING A KING

The dangers of praising an emperor should never be underestimated: too many compliments might be construed as empty flattery, too few as implied criticism. Face-to-face with Theodosius, Pacatus neatly articulated the inescapable paradox of panegyric: "so it is unavoidable—whether I stay silent about the troubles of the state or speak about them—that I will either fail to pay proper respect to your merits or offend your sense of propriety."¹³ For an orator, confronted with a seemingly impossible diplomatic task, the sheer ceremoniousness of these grand public occasions offered some protection. The "verbose and platitudinous vamping"¹⁴ of much late-antique oratory is rarely to modern scholarly taste: "il est riche de mots et pauvre d'idées et de faits."¹⁵ But it was the very artificiality and repetitive formality of these speeches that guaranteed their appreciative reception by an audience that knew when to applaud. What mattered was the playing out of a set of shared expectations of how emperors should be honored and those who challenged them condemned. The brilliance of an orator lay not in the invention of some startlingly novel argument—indeed that would have risked subverting the very sense of security offered by the predictable iteration of the accepted and familiar—but in how customary elements of praise were selected and knitted together in a manner most appropriate to present circumstance. To a courtly audience, the comfortable conventions of panegyrics were well known (and cataloged in handbooks to instruct the inexperienced). It was the orator's bravura performance and his artful variations on standard themes that were to be admired.¹⁶

11 Nixon/Rodgers 1994, 443–444; Galletier 1949–1955, vol. 3, 51–52.

12 *Pan. lat.* 2(12).1.1 (ed. Mynors 1964) with Vessey 2010, 271.

13 *Pan. lat.* 2(12).24.2.

14 Nixon/Rodgers 1994, 445.

15 Pichon 1906, 137.

16 MacCormack 1981, 1–14, remains fundamental; see too the excellent discussions in MacCormack 1975, 154–159; L'Huillier 1992, 132–139; Maure 1994, 30–42; Sabbah 1984, especially 370–372; Flower 2013, 35–44; and especially Formisano 2008.

Pacatus' panegyric on Theodosius was a stylish and carefully calibrated effusion of loyalty, praise, and congratulation. Its insistent theme was a comparison between victorious emperor and defeated usurper. Theodosius, in addition to his personal beauty and military prowess, is distinguished by a remarkable coalition of princely virtues: *felicitas*, *clementia*, *fides*, *humanitas*, *pudicitia*, *sapientia*.¹⁷ By contrast, Maximus—*carnifex purpureus*, "the purple-clad butcher"¹⁸—is the textbook tyrant. "To him every means of earning praise seemed fatuous; contrary to the model of good conduct that is innate in even the worst of men, he defined his greatest happiness in terms of acquisition and injury, and not only desired as much as possible, but worked hard so that nothing would be left for anyone else."¹⁹

The contrasting brilliance of Theodosius and his achievements are the driving concern of Pacatus' speech. The absent Valentinian II is alluded to but never specifically mentioned.²⁰ Victory over Maximus belongs to Theodosius alone. All else is eclipsed by his presence in the ancient capital of empire. Pacatus—playing up his provincial origins—delighted in the effect his stories of this grand occasion would have on the folks back home. "What wonderful tales I shall tell the cities of Gaul on my return. What astonished crowds, how large an audience will press round me when I say: 'I have seen Rome, I have seen Theodosius, and I have seen both at the same time.'"²¹ Within this basic framework, Pacatus offered a series of elaborate set pieces: on Theodosius' homeland; on his early military successes; on the merits of his father; on his campaigns as emperor in the East; on his generosity; on his frugal lifestyle; on his accessibility; and (taking up half the speech) on the sufferings of Gaul under Maximus, the course of the civil war, and the emperor's victory and triumph.²² These rhetorical tableaux offered extended examples of Theodosius' virtues in action. Importantly too, through repeated historical comparisons, Pacatus presented a long procession of notable leaders and events. Theodosius' character and achievements placed him firmly in a legitimate line of succession from the great emperors of old. He is the culmination of imperial rule as long desired by Rome (here personified) who laments that the past—whatever its benefits—has kept this emperor from her:

17 L'Huillier 1992, 332, 343–345; Seager 1984, 158–163.

18 *Pan. lat.* 2(12).24.1.

19 *Pan. lat.* 2(12).28.1.

20 Nixon/Rodgers 1994, 448 n. 2; McLynn 1994, 310–311.

21 *Pan. lat.* 2(12).47.5; with Rees 2002, 6–19, on the importance of imperial *praesentia*.

22 L'Huillier 1992, 451; Galletier 1949–1955, vol. 3, 65–67.

Are these the thanks you give for me for longing for you even when I was blessed by fortune; for thinking when gentle Nerva, Titus (the darling of the human race), and Antoninus (remembered for his piety) controlled me, when Augustus bedecked me with morals, Hadrian instructed me in laws, and Trajan extended my frontiers, that my happiness was incomplete because I was not yours?²³

Pacatus' claim neatly expanded on the public praise offered by Sextus Aurelius Victor, in office as Urban Prefect of Rome from August 388 to June 389 (the months immediately before the celebration of the imperial triumph over Maximus). A statue put up by the Prefect in Trajan's Forum celebrated the victorious Theodosius for having "exceeded the clemency, uprightness, and generosity of the emperors of old." And of all those present to hear Pacatus' panegyric none could speak (or at least applaud) with more authority than Aurelius Victor. Completed nearly thirty years before, his brief *De Caesaribus* had offered a compact parade of emperors, all of whom—on his own public admission—had now been surpassed by Theodosius.²⁴

For Pacatus, Theodosius was not only the apogee of Roman imperial history, he was also part of an exemplary past that stretched back beyond Augustus to the Republic. The defeat of Maximus was to be aligned with the ending of the internecine conflicts caused by Cinna, Marius, and Sulla.²⁵ The origin of Maximus' usurpation in Britain bore comparison with the outbreak of the slave rebellions of Spartacus and the Cilician pirate Athenio. None were taken seriously at the start; so too, Maximus' bid for power "seemed hardly to merit anger since a few men, and islanders at that, were trying to set fire to a whole continent."²⁶ Even in the Republic, Pacatus suggested, there is no doubt that Theodosius would have been unanimously elected to lead the state by the votes of all men ordered by tribe and century (*omnium suffragiis hominum tributim centuriatimque*).²⁷ The emperor—who never actively sought high office—can rightly be seen as standing alongside early Republican commanders drawn from the Curii, Coruncanii, and Fabricii who, after they had triumphed, "would leave their laurels in the lap of Capitoline Jupiter" and return to the plow.²⁸

23 *Pan. lat.* 2(12).11.6 with Lippold 1968, 240–242.

24 CIL 6.1186 = ILS 2945 with Bauer 1996, 410; Chenault 2012, 123–124, 131; on Victor's career and the date of composition of his *De Caesaribus*, see, conveniently, Bird 1994, vii–xii; Matthews 1975, 226–227. See too Bauer 1996, 94–97; Niquet 2000, 18–20; Chenault 2012, 103–124, on the symbolic resonances of the statue's placement in the Forum of Trajan.

25 *Pan. lat.* 2(12).46.1.

26 *Pan. lat.* 2(12).23.3.

27 *Pan. lat.* 2(12).3.6 with Lippold 1968, 232.

28 *Pan. lat.* 2(12).9.5.

Of course, it is impossible to know how Pacatus' audience reacted to the addition of "republikanisches Kolorit" (to borrow a phrase from Adolf Lippold)²⁹ to the long catalogue of Theodosius' successes. Perhaps some were unsympathetic or unimpressed. It is not difficult to see in the parallels with Spartacus and Athenio an attempt to trivialize the beginnings of Maximus' revolt in order to excuse Theodosius' inaction; or to suspect an empty parade of exempla culled from the standard summaries of Roman history; or (more sharply) to find little more than "gratuitous anachronism"³⁰ in the use of Republican constitutional language to justify monarchy; or to see Pacatus' attempt to root late-antique autocracy in Rome's Republican past as unavoidably resulting in an uncomfortable ideological dissonance—"die Skizzierung eines Herrscherideals."³¹ Clearly too (as in any performance, work of fiction, or scholarly paper), not every turn is equally persuasive or equally well executed. Pacatus deals elegantly with Theodosius' accession in his early thirties: the emperor has avoided "the slippery path of adolescence,"³² he has respected the Republican prescription that the holding of senior magistracies should be regulated by the stipulation of a minimum age for officeholders; Theodosius is then the perfect age to combine "the courage of the young and the maturity of the old."³³ But an attentive listener might also wonder how well this praise of Theodosius and his Republican constitutional sensibilities squares with the emperor's elevation of his own children to consulships: Arcadius was an eight-year-old in 385; in 386, Honorius was only two.³⁴

Panegyric can always be unpicked. The problem is in working out where the critical limits lie. Some modern readers—many in search of hard fact—have perhaps been too reluctant to recognize the relationship that bound orator and audience tightly together. Like the elaborate and well-regulated protocols of grand imperial ceremonies, panegyric was principally concerned with the demonstration of things as they ought to be, both in the past and the present. An orator did not promise to set out a balanced or dispassionate version of events; and, perhaps more important, his listeners did not expect to hear one. Like any sophisticated and highly stylized art form, panegyric ultimately depended for its success on an audience—and an emperor—that was willing to approve a deliberately and knowingly idealized account of the world. In this speech, that close collaboration is at its most obvious in Pacatus' reconstruction

29 Lippold 1968, 230; Lippold 1980, 39; see too Ernesti 1998, 328–330.

30 Nixon/Rodgers 1994, 451 n. 11.

31 Lippold 1968, 229; Lippold 1980, 39.

32 *Pan. lat.* 2(12).73.

33 *Pan. lat.* 2(12).75.

34 Lippold 1968, 235.

of a post-civil war society. Here clemency—praised in Aurelius Victor’s dedication for the statue to Theodosius—is the key imperial virtue. After the defeat of the tyrant:

no one’s property was confiscated, no one’s liberty forfeited, no one’s previous status downgraded. . . . All were restored to their homes, all to their wives and children, all at last—which is sweeter—to innocence. See, emperor, what you have accomplished as a result of your clemency: you have made it so that no one thinks of himself as vanquished by you—the victor.³⁵

Victory in civil war is always difficult to acclaim. Not least because the winner must quickly come to terms with the supporters of his defeated enemy. Proscription, reprisal, or the loss of rank and influence are ever-present threats.³⁶ No doubt many of the senators listening to Pacatus approved of his extended praise of Theodosius’ clemency even if (to quote John Matthews) they “were used to assuming that their own errors would be viewed with tolerance . . . [falling] comfortably within the expected scope of the emperor’s *clementia*.”³⁷ But one could never be sure. Theodosius may have had no firm constitutional standing (as an eastern emperor in the West and formally junior to Valentinian), and it may have been obvious to all that any settlement he might impose would require the continued support of the Italian aristocracy³⁸—but individual senators could not be certain that they would emerge unscathed into a postwar world. Certainly, those suspected of sympathizing with Maximus might have cheered Pacatus’ exaggerated account of imperial clemency. After all, it was precisely that virtue which they hoped would be most evident in this victorious emperor.

When Theodosius entered Rome, Q. Aurelius Symmachus—who two years previously had so eloquently eulogized Maximus in Milan—preferred to keep quietly out of the way, spending most of the summer at the villa of a close family friend in Campania.³⁹ Symmachus’ first attempt at reconciliation with

35 *Pan. lat.* 2(12).45.6–7; on Theodosius’ *clementia*, see especially Seager 1984, 161–162.

36 On this, see the contributions of Doug Lee and Hartmut Leppin to this volume.

37 Matthews 1975, 229.

38 McLynn 1994, 294–296.

39 For Symmachus’ delicate position in the year after Maximus’ execution, see generally Matthews 1975, 229–231; McLynn 1994, 311–312; Roda 1973, 109. See also Mark Humphries’ contribution to this volume. For the detail, I follow the thoughtful account in Sogno 2006, 68–76, though I remain unpersuaded that Symmachus was in Rome in summer 389 (at 72 and 76; Nixon/Rogers 1994, 449–450 n. 5). *Symm. Ep.* 3.55, written to the influential general Richomer, places Symmachus on his estate at Ostia in autumn 389 (after the emperor and his entourage had left the capital); but it places too much weight on Symmachus’ closing remark (*ego paulo post abire longius paro*) to assume that he had already come from Rome and was shortly preparing to travel further, perhaps back to Campania. It need

Theodosius had not been an immediate success. Sometime before the emperor's visit to Rome (perhaps in January or February 389), Symmachus had composed a speech—regrettably lost—part panegyric, part apologetic justification for his previous praise of Maximus.⁴⁰ But Theodosius did not rush Symmachus' rehabilitation. Symmachus' surviving correspondence, with all its evident anxieties, exposes the difficulties he faced in forcing his way back into favor and his dependence on a network of carefully cultivated contacts. Success came in autumn 390, publicly marked by the appointment to a consulship for the following year; but in summer 389, with Theodosius in Rome celebrating his victory over Maximus, such a deliberately dramatic exercise of imperial clemency must have seemed a still rather distant prospect. Symmachus worried that he might never regain his position as one of the most distinguished senators of his generation. In a letter to his friend Virius Nicomachus Flavianus, Theodosius' *quaestor sacri palatii*, he complained that he had been disadvantaged in a long-running legal dispute by his rivals at court whom he suspected of exploiting his compromised association with Maximus. Symmachus hoped that one day he might have the opportunity to present the truth before Theodosius himself.⁴¹

The circumstances surrounding the absence from the senate-house of one of the most prominent senators in Rome must have made Pacatus' claim to be genuine in his praise of Theodosius even more pressing. Speeches given the previous year in support of Maximus—Pacatus pointedly suggested—could now clearly be seen for what they were: nothing more than *coacta laudatio*, “forced praise.”

Let it be a thing of the past, now cast aside, that bitter compulsion of servile eloquence, when false adulation gratified a grim tyrant . . . and not to have praised the tyrant was treated as an accusation of tyranny. Now

only show that Symmachus was preparing to leave Ostia. *Ep.* 2.32 to Virius Nicomachus Flavianus, written during retirement in Campania—“which coincided roughly with Theodosius' visit to Rome” (Sogno 2006, 76)—clearly sets out Symmachus' intention to remain in the country for most of the summer: *intra Campaniae terminus maior mihi pars aetatis agitabitur*. That, as Pellizzari 1998, 52, has noted, would certainly exclude Symmachus' presence in Rome at least for the first part of Theodosius' stay when it seems most likely that Pacatus' speech was delivered; see too Cecconi 2002, 53, 234, 250; Callu 1972, 173 n. 3.

40 Symm. *Ep.* 2.13 and 2.31 with Sogno 2006, 70; Cecconi 2002, 180–181, 247; Pellizzari 1998, 48. There is no solid basis for suggesting that Symmachus' *defensio panegyrici* was ever delivered in person before Theodosius. But see Sogno 2006, 73, suggesting that Symmachus traveled to Milan to deliver the speech and that the *magister officiorum* Flavius Rufinus secured him an audience with the emperor; for a variation on this theme, Roda 1973, 109 n. 194.

41 Symm. *Ep.* 2.30–31 with Sogno 2006, 74–76; Cecconi 2002, 239–247; Roda 1973, 109–110.

there is an equal freedom to speak or to stay silent, and it is as easy to praise the emperor as it is safe to say nothing about him.⁴²

No one in the audience—and especially not Theodosius—would wish to deny that Pacatus spoke freely or that silence was no longer subversive. Nor would anyone dare to undermine Pacatus’ starkly contrasting versions of immoral tyrant and virtuous emperor. Pacatus’ vision of a world restored deliberately directed Theodosius’ attention toward an unbreakable connection between legitimate imperial rule and the exercise of clemency; and, in so doing, it sought to impede any suggestion that eminent senators such as Symmachus should be excluded from the new regime. Indeed, the inexorable internal logic of Pacatus’ praise deftly equated any proposal to penalize Maximus’ supporters with the (patently unacceptable) suggestion that Theodosius should somehow moderate his clemency—and thereby risk seeming less of an emperor. Rather, as Pacatus advocated, it was better now to imagine that all present were on the same side in a victorious war and united in their celebration of a triumphant emperor (and that this new unity might even be extended to include the diplomatically absent). “You have seen a civil war ended with the slaughter of enemies, with a peaceful soldiery, with the recovery of Italy, and with your freedom. You have seen, I repeat, the ending of a civil war for which you can decree a triumph.”⁴³ Here indeed was a brave new world that everyone gathered in the senate-house to hear Pacatus praise Theodosius could collude in loudly applauding.

THE ART OF COLLECTING

Pacatus’ panegyric did not stand alone. In Rome, in early summer 389, it was one of a series of orations given in praise of Theodosius.⁴⁴ None of the others survive. Perhaps they shared Pacatus’ sensibilities, focusing on the merits and achievements of the victorious emperor who was present in the city while barely mentioning the absent Valentinian. Pacatus’ speech was preserved by its inclusion in a collection of twelve panegyrics: the so-called *XII Panegyrici latini*.⁴⁵ Eleven of these—with Pacatus as the latest—span the Tetrarchy and the fourth century (from 289 to 389). The emphasis on Gallic affairs and the Gallic origins or connections of most of the orators strongly support the assumption

42 *Pan. lat.* 2(12).2.3–4. An allusion to Symmachus is suggested by Nixon/Rodgers 1994, 449–450 n. 5; Sogno 2006, 68–69; Pellizzari 1998, 52; Sabbah 1984, 379.

43 *Pan. lat.* 2(12).46.4.

44 Nixon/Rodgers 1994, 444.

45 See especially the discussions in Nixon/Rodgers 1994, 3–10; Rees 2002, 19–23; L’Huillier 1992, 25–29; Galletier 1949–1955, vol. 1, ix–xxv; Vessey 2010, 271–272. Pichon 1906, 270–291, still contains much of value.

that the *Panegyrici latini* was put together in Gaul. If the collection found its final form reasonably soon after the delivery of Pacatus' panegyric in 389, then it is attractive to think that it should be associated with the prominent late fourth-century school of rhetoric in Bordeaux. Indeed, it has been suggested that Pacatus himself should be regarded as the editor and that he completed the project while teaching at Bordeaux.⁴⁶

It is clear too—and again perhaps an argument in favor of his editorship—that Pacatus' own speech was given a particular prominence. In the surviving manuscripts of the *Panegyrici latini* (which all derive from a now lost manuscript copied by Johannes Aurispa in Mainz in 1433), the eleven late-antique speeches are not arranged in chronological order: the first is Pacatus' panegyric on Theodosius (389 in Rome), then Mamertinus on Julian (362 in Constantinople), then Nazarius on Constantine (321 in Rome), then an apparently discrete set marked out in the manuscripts as *panegyrici diversorum VII*, running roughly in reverse sequence from 311 to 289, and last—in a final jump forward in time—the anonymous speech in praise of Constantine (313 in Trier). The late-antique editor's barefaced disregard of chronology has been firmly corrected by modern scholars. To quote Mark Vessey: "And because we like our late Roman history to run steadily forward, the . . . panegyrics have been rearranged (in current editions with French or English translations) so as to begin in 289 and end a century later. As a result of this scholarly tidying-up, Pacatus now speaks last of all."⁴⁷

Marooned in modern editions as the final word in the *XII Panegyrici latini*, Pacatus' panegyric is also firmly separated from the speech (the twelfth in the set) originally selected to head the collection. Pliny the Younger's *gratiarum actio* for his consulship was given in September 100 in the senate-house in Rome before the emperor Trajan. In clear contrast to all the other orators collected in the *Panegyrici latini*, Pliny lacks any notable connection with Gaul. His speech is at least double the length of any of the eleven other speeches in the collection. It was given nearly two centuries before the next panegyric (in chronological order, the speech to Maximian in Trier in 289). Strikingly, Pliny on Trajan and Pacatus on Theodosius—the first and second orations in the manuscript order of the *XII Panegyrici latini*—are separated by nearly three centuries.

46 Pichon 1906, 285–291; Turcan-Verkerk 2003, 62–65; Nixon/Rodgers 1994, 6–7; Rees 1998, 99; Rees 2002, 22–23; Rees 2011, 178; Matthews 1975, 229; Ronning 2007, 140; Lassandro 2000, 11 n. 1; Lunn-Rockliffe 2010, 316–317; Cameron 2011, 228, 404; but see too Galletier 1949–1955, vol. 1, xv–xvi suggesting Ausonius. L'Huillier 1992, 26–27, supports a late fourth-century context.

47 Vessey 2010, 273; see too L'Huillier 1992, 23–24.

No doubt it is right, at least in part, to explain Pliny's inclusion at the head of eleven late-antique speeches as exemplary—"le modèle du genre."⁴⁸ For the most part, the presence of Pliny's *gratiarum actio* has been passed over quickly as an intrusive and "historically anomalous"⁴⁹ presence in an otherwise more coherent set of late third- and fourth-century speeches. To be sure, the gains for those who elect to concentrate exclusively on the late-antique speeches are clear (as L'Hullier's *L'Empire des mots* and Nixon and Rodgers' *In Praise of Later Roman Emperors* bear ample witness); but there are losses, particularly in the development of a full understanding of the *XII Panegyrici latini* as a collection. Some of the possibilities for mapping the political and ideological shifts between the second and the fourth century are explored in Christian Ronning's detailed consideration of three speeches: Pliny and two anonymous orations to Constantine (given in Trier in 311 and 313). Ronning also explores the gradual "professionalization" of the complex art of speaking before emperors, clearest in the distance that separates Pliny, an educated member of a senatorial élite, from Eumenius, a salaried professor of rhetoric and retired high-ranking official in the administration of Constantius I.⁵⁰ An extension of Ronning's enterprise, that is, a full-scale reading of the *Panegyrici latini*—taking account of the persistent presence of Pliny—would be a considerable undertaking. A useful start might be made by reading Pacatus' praise of Theodosius in the light of Pliny's praise of Trajan. Roger Rees has neatly set out the challenge. "In combination, the priority given to [Pliny's] *Panegyricus* in the collection and its juxtaposition with Pacatus' own speech equip the reader with all the means to evaluate the interplays in consistency and difference between the two speeches—and, indeed, post an insistent invitation to do so."⁵¹ Certainly, there are some immediate similarities between the two speeches: both were delivered before an emperor in the senate-house in Rome, both deal at length with disgraced rulers (Pacatus with Maximus, Pliny with Domitian), the text of both as it now stands represents a significant elaboration of the original (certain in Pliny's case, possible in Pacatus').⁵² Above all, as noted earlier, Pacatus' speech immediately follows Pliny's in the manuscripts of the *XII Panegyrici latini*, a

48 Galletier 1949–1955, vol. 1, vii, xv; see too Rees 2002, 22; Ronning 2007, 140–144; Nixon/Rodgers 1994, 7; L'Huillier 1992, 21–22, 27; Lassandro 2000, 11 n. 1; MacCormack 1975, 149; Pichon 1906, 40, 289; Vessey 2010, 272–273; with the thoughtful discussion in Vereecke 1975, 151–154, with Sabbah 1984, 369–371.

49 Rees 2002, 22; see too L'Huillier 1992, 21.

50 Ronning 2007, 139–163 (discussing Pacatus at 142).

51 Rees 2011, 179.

52 For Pliny, see Durry 1938, 5–8, with the useful discussions in Morford 1992, 576–577; Fedeli 1989, 405–411; Fantham 1999, 229–231; Henderson 2002, 141–151. For Pacatus, see L'Huillier 1992, 169; and generally Nixon/Rodgers 1994, 33–34; Rees 2011, 182.

deliberate and striking positioning that results in the two speeches furthest apart in time being ostentatiously paired at the head of the collection—a clear indication to the reader that the relationship between Pliny and Pacatus might repay further investigation.

THE PROBLEM OF SINCERITY

Pliny's *gratiarum actio* in praise of Trajan is as much about the orator as it is about the emperor. It is a speech that is dominated—to quote Shadi Bartsch's elegantly incisive reading—by “an obsessive attempt to prove its own sincerity.”⁵³ Pliny faced up squarely to one of the principal problems of the panegyricist: how to claim that *this* praise is genuine, distinguishable from the endlessly repeated platitudes of imperial speech-making and from the fake praise offered to rulers who did not merit it. Key to Pliny's attempt to argue for the sincerity of his speech (as Bartsch suggests) is the insistent claim that it is delivered under circumstances radically different from previous emperors and must, therefore, differ fundamentally from the kind of praise compelled by fear.⁵⁴ The language—and recitation of rote-learned imperial virtues—may appear familiar, but its meaning must be now reassessed. Under new regimes, eulogies are always minted afresh.

“For my part, I think that the consul as well as all citizens should endeavour not to say the same thing about this our emperor as could have been said about another. So then may those expressions that fear extorted take their leave and withdraw. . . . Times have changed and this must be marked by our speeches.”⁵⁵ This is a world in which it can be claimed that words are now transparent: when both orators and emperors mean what they say. “What sea was there so treacherous as the flattery of those emperors whose inconstancy and deceitfulness were so great that it was easier to guard against their anger than their favor?”⁵⁶ But under Trajan, “we do not assemble in the senate-house for a competition in flattery . . . but we believe that you say what you want and what you do not say, you do not want (*ut te quae vis velle, quae non vis nolle credamus*).”⁵⁷

The antithesis between “now” and “then” is one of Pliny's most important structuring devices. Time and again Trajan is compared to his predecessors; for, as Pliny makes clear, there is no true praise without comparison.⁵⁸ Here

53 Bartsch 1994, 149.

54 Bartsch 1994, 149–150.

55 *Pan. lat.* 1.2.1–3. For the remainder of this chapter, Pliny's *gratiarum actio* is cited as the first oration in Mynors' edition of the *XII Panegyrici latini*.

56 1.66.3.

57 1.54.5.

58 1.53.1–2.

is a ruler who exceeds good emperors in his virtues and who rejects the vices of the bad—an emperor who rightly deserves the title of “the best.”⁵⁹ Some of Pliny’s comparisons are general (*priores principes, principes antecedentes*), some cite previous rulers, some (without naming names) are pointed references to recent imperial history.⁶⁰ The sharpest contrast is between Trajan and Domitian—between *optimus* and *pessimus princeps*.⁶¹ Trajan’s valor, generosity, financial prudence, and respect for the laws stand out all the more clearly in comparison to Domitian’s cowardice, greed, excess, and tyranny—a robber and butcher (*spoliator et carnifex*)⁶² whose lavish expenditure was matched only by his stripping of the empire’s resources to fund his private extravagance.⁶³ Against the affable accessibility of Trajan, Pliny offers a bleak and threatening picture of court life a decade earlier. Then there was an emperor who barricaded himself in the imperial palace: Domitian dined alone, his “feminine pallor” a sure sign of his physical and moral weakness.⁶⁴ “He always sought darkness and secrecy and only ever emerged from his isolation to create more isolation.”⁶⁵ The virtuous ruler is presented as an antidote to the vicious behavior of his morally bankrupt predecessor. “Now there are no obstacles, no humiliating grades of entry, nor a thousand doors and always beyond them another thousand shut fast and unyielding.”⁶⁶ But this is more than a portrait of an ideal emperor: the very distance between these two exemplars is itself the validation of Pliny’s praise of Trajan (to quote Bartsch), “as if the formulation of a contrast in which one alternative is corrupt lends credence in and of itself to the remaining member of the pair.”⁶⁷ Within the closed world of the panegyric, praise of Trajan and denigration of Domitian are indissolubly linked. The one becomes the proof of the other. The antithesis becomes its own guarantor of truth.

Pacatus’ rhetorical tactics are strikingly similar. It is the defeat of a usurper that brings with it the realization that the forced praise (*coacta laudatio*) offered

59 1.2.7; on the amalgam of virtues making up Pliny’s Trajan, see, most conveniently, Molin 1989, 791–792.

60 Molin 1989, 786–787; Ramage 1989, 651–655. Some examples: 1.18.3, 24.5, 28.3, 36.1, 42.1, 54, 63.3 (general comparisons); 1.35.4, 53.4 (named emperors); 1.2.6, 8.1, 8.5–6, 46.3–4, 57.2 (pointed references).

61 1.95.4.

62 1.90.5.

63 1.20, 33.4–34.2, 47.1, 49–50, 52.3, 52.7, 58.1, 82.1–6, and further Molin 1989, 787–789; Soverini 1989, 516–518; Fedeli 1989, 439–441; Roche 2011, 10–14.

64 1.48.3–49.3 (quoting 1.48.4), 49.6 with Braund 1996, 43–46.

65 1.48.5.

66 1.47.5.

67 Bartsch 1994, 149; and see too Innes 2011, 78–79. On Pliny’s use of antithesis, see in particular Aubrion 1975, 120–122; Soverini 1989, 539–540; Ramage 1989, 642–646; Rees 2001, especially 151–152; Maginness 1932 suggesting that Pliny sets a pattern for the other speeches in the *Panegyrici latini*.

to a tyrant was false; or, at least, leads on to another self-sufficient antithesis between good rulers (who, by definition, only received praise freely offered) and bad (who, by definition, are only ever flattered).⁶⁸ Again the contrasts are starkly uncompromising. “In sum, on your side there was loyalty, on his treachery; on yours right, on his wrong; on yours the law, on his injustice; you had clemency, virtue, reverence; he impiety, lust, cruelty, and a collection of all the lowest crimes and vices.”⁶⁹ Here was another ruler confined to the most inaccessible parts of the palace like tyrants who thought themselves diminished “unless, as they lay hidden in the shadows of their houses, a carefully contrived solitude and widely imposed silence surrounded them like a rampart.”⁷⁰ Most memorable is Pacatus’ long and detailed description of Maximus’ destructive impact on Gaul. “We were the first to bear the brunt of the raging beast; we glutted his savagery with the blood of innocents. . . . As drinking aggravates thirst in the sick, as flames are not dampened, but gain strength by the addition of kindling, so riches amassed through the impoverishment of the community excite the greed of the ravenous-minded.”⁷¹ Indeed, the passionate eloquence of Pacatus’ invective against Maximus has been seen as going beyond the measured account normally expected from a court orator. A century ago, René Pichon suggested that Pacatus went too far for Theodosius’ liking: “il y va franchement, si je puis dire, au risque même d’être un peu maladroit.”⁷² But that is to see Pacatus’ characterization of Maximus in isolation rather than as part of a carefully plotted rhetorical pattern where the sincerity of praise is underwritten by the intensity of blame. To expect restraint in criticizing a tyrant is to miss the point—at least on panegyric’s own terms. The more thorough Pacatus’ damnation of Maximus, the more compelling his celebration of Theodosius. Or in Pliny’s uncompromising formulation: “for no one can love good emperors enough who does not hate bad emperors enough (*neque enim satis amarit bonos principes, qui malos satis non oderit*).”⁷³

Of course, the denigration of the recently powerful poses its own problems. One obstacle faced by Pliny was his own complicity in a now disgraced regime. “Our encomiast was in the uncomfortable position of owing his career to the man he designated monster: his official advancement was rapid and marked

68 2(12).2.2.

69 2(12).31.3. On the construction of Maximus as tyrant, see, Ernesti 1998, 333–335; Lassandro 1981, 247–249; Lassandro 2000, 40–41; Long 1996, 94–96; and, especially, on Pacatus’ powerful visual imagery, Lunn-Rockliffe 2010, 324–332. More generally, see Neri 1997 and Long 1996, 90–105.

70 2(12).21.3 with Nixon/Rodgers 1994, 471 n. 64; Galletier 1949–1955, vol. 3, 88 n. 2*.

71 2(12).24.6, 25.7.

72 Pichon 1906, 140; see too Nixon/Rodgers 1994, 440, 447.

73 1.53.2.

by signs of imperial favor.”⁷⁴ Many of the complexities in Pliny’s speech are a result of his attempts to gloss over his successes under Domitian, and in front of an audience of senators some of whom would have been sympathetic, others no doubt able to offer a different view. Pliny negotiates this difficulty in part by offering a selective *curriculum vitae*,⁷⁵ in part by representing himself as a full participant in the community of suffering under Domitian (and in the frenzy of statue-smashing that followed his assassination)⁷⁶ and, most important, by repeatedly insisting on the internal logic of his panegyric: that the genuineness of his praise of Trajan was itself proof of the falsity of any past praise of Domitian. What, above all, is at stake for Pliny is the need to stave off the very possibility that his claim of fakery under Domitian opens up an awareness (to quote Bartsch) “that praise can in fact signal the presence of its opposite.”⁷⁷ For Pliny to defend his own position, this was the boundary that needed to be policed:

Senators, it is easy to offer thanks to one who deserves them. There is no danger that when I speak of his citizen-like qualities, he will think his arrogance is being reproached; when I speak of his frugality, his extravagance; when I speak of his clemency, his cruelty; when I speak of his generosity, his greed; when I speak of his kindness, his malice; when I speak of his self-control, his lust; when I speak of his work, his idleness; when I speak of his courage, his cowardice.⁷⁸

Pacatus too is clear that previous approval of Maximus should be seen precisely for what it was: “And so though our spirits were overcast we put on an unruffled countenance, and, just like those who have drunk the juice of Sardinian herbs are said to die with a smile, we mimicked happiness in our sadness.”⁷⁹ Like Pliny, Pacatus also claimed to have shared in the troubles. “Who could compare himself to us when it comes to disaster? We suffered the tyrant both with others and on our own.”⁸⁰ It is a mild irony that some modern commentators—on the strength of his insistence that his praise of Theodosius was freely given and his account of his sufferings in Gaul—have assumed that Pacatus (like Pliny) must have been implicated in recent events. “One is entitled to

⁷⁴ Bartsch 1994, 167.

⁷⁵ Bartsch 1994, 167–169; Soverini 1989, 521–522; Roche 2011, 20–22; and generally Noreña 2011b, 38–44.

⁷⁶ 1.52.4–5.

⁷⁷ Bartsch 1994, 156.

⁷⁸ 1.3.4.

⁷⁹ 2(12).25.4 with a learned botanical discussion in Nixon/Rodgers 1994, 482–483 n. 90.

⁸⁰ 2(12).25.1.

wonder whether Pacatus, like Symmachus, had praised Maximus in panegyric.”⁸¹ Certainly, both Pliny and Pacatus faced a similar problem: how to guarantee the sincerity of their praise while distancing themselves from the eulogies performed before now discredited rulers. Whatever his personal involvement, Pacatus (like Pliny) closely follows the implications of his praise of Theodosius’ restoration of the state: that it demanded and was validated by the poisoned regime of Maximus. Both Pacatus and Pliny are clear in arguing for the impossibility of genuine support for a tyrant; it is always unwilling, coerced, feigned. The similarity of their approaches, for some modern readers, is an indication that Pacatus was capable of no more than “hackneyed sentiments and familiar tags,”⁸² for others, like the late-antique editor of the *XII Panegyrici latini*, these two speeches offer complementary ways of demonstrating the construction of a closed moral system in which praise and blame are mutually validating.

It should also be noted that for those tired of long speeches celebrating emperors, both orators offer an alternative (at least for others to follow). Pliny, ever aware of the accusation that panegyrics were made up of well-worn platitudes, suggests to Trajan that it is flattery, and not sincere praise, that has devoured all possibility of innovation: “there is no new way left of honoring you unless we are sometimes prepared to fall silent.”⁸³ For Pacatus—perhaps (as suggested) pointedly referring to Symmachus’ absence from the senate-house—it is only under a good emperor that silence at last becomes a possibility. “For praise is no longer extorted, nor do utterances extracted by fear release one from the danger of silence.”⁸⁴ Genuine speech is marked out by an orator’s ability to fall silent. “Now there is an equal freedom to speak or to stay silent, and it is as easy to praise the emperor as it is safe to say nothing about him (*nunc par dicendi tacendique libertas, et quam promptum laudare principem, tam tutum siluisse de principe*).”⁸⁵ That an accomplished orator should praise silence is, of course, a delicious irony. But then only a genuine tyrant would ever extort a panegyric.

LOOK BACK IN ADMIRATION

Pliny’s praise pivots on a paradox. At the center of his speech is a ruler whose supreme power he celebrates; but no more so than when the emperor refrains from its exercise.⁸⁶ Of Trajan’s superiority there should be no doubt: here is an emperor

81 Nixon/Rodgers 1994, 449 n. 5, but see too 447.

82 Nixon/Rodgers 1994, 449 n. 5.

83 1.55.3.

84 2(12).2.2 clearly reprising Pliny at 1.2.2; see Rees 2011, 179.

85 2(12).2.4.

86 Useful discussions in Braund 1998, 58–65; Ronning 2007, 106–111; Wallace-Hadrill 1982, 41–48; Mause 1994, 141–143.

who fully deserves his official title of *optimus* and—even like Jupiter himself—to be known first and foremost as “the best.” “Just as the father of gods and men is worshipped first as *optimus* and then *maximus*, so your renown is celebrated all the more as it is clear that you are no less the best than the greatest.”⁸⁷ Indeed, Trajan’s virtues and achievements repeatedly demand comparison with the divine: in his administration of justice, in his ability to command the resources of empire, and in his concern to remedy past wrongs here is a ruler “worthy of power equal to that of the immortal gods.”⁸⁸ Pliny is also clear that Trajan is deserving of praise because he behaves (to quote Andrew Wallace-Hadrill) like “a ruler who is still a citizen in a society of citizens, where the freedom and standing of the individual citizen is protected by law, not the whim of an autocrat.”⁸⁹ This delicate tension is one of the key themes of Pliny’s speech. What distinguishes Trajan is not only his possession of a god-like authority but also his studied reluctance to act like an emperor: his moderation (*modestia*) and his restraint (*moderatio*).⁹⁰ The latter is evident in Trajan’s refusal of a consulship as an emperor’s right and in his willingness to accept the office only after he had been duly chosen by the Roman people. Trajan was present as a candidate at the election in the Campus Martius, he waited patiently while the votes of the *comitia centuriata* were counted, and he took the traditional oath of office binding himself to obey the laws.⁹¹ Now—as Pliny declares—a timeworn adage needs to be formulated afresh: no longer is “the emperor above the law” but “the law is above the emperor.”⁹² In this ideal world, there is no difference between an emperor and a consul—both are equally citizens. Pliny drives home the point: “it is no less the mark of a citizen to be equally emperor and consul than to be consul alone—*non est minus civile et principem esse pariter et consulem quam tantum consulem*.”⁹³

Central to Pliny’s construction of his model emperor is precisely the assertion that for all his autocratic eminence Trajan remains “one of us.” “He is one of us (*unum ille se ex nobis*); and this stands out, and all the more impressively so, because he thinks of himself as one of us and does not forget that he is no less a man than sovereign over men.”⁹⁴ What is praiseworthy in this ruler is

87 1.88.8 with Braund 1998, 63 and the excellent discussion in Gibson 2010, 130–134.

88 1.1.2–3, 2.7, 32.2, 40.3, 52.1, 80.3, quoting 1.4.4 with Braund 1998, 61–63.

89 Wallace-Hadrill 1982, 42, here defining *civilitas*, an abstract noun not used by Pliny (it is first attested in this sense in Suet. *Aug.* 51 and *Claud.* 35) or anywhere else in the *Panegyrici latini*, but which usefully crystallizes one of Pliny’s central ethical concerns; see Wallace-Hadrill 1982, 43; Braund 1998, 61 n. 21.

90 *Modestia*: 1.3.2, 10.3, 21.1, 47.6, 58.2, 58.5, 79.4, 83.8; *moderatio*: 1.3.2, 4.3, 9.1, 10.3, 16.1–3, 17.4, 23.6, 54.5, 55.5, 56.3, 60.5, 63.8.

91 1.63–65 with Morford 1992, 588–590.

92 1.65.1 with Connolly 2009, 264–265.

93 1.78.3.

94 1.2.4.

that, although an emperor, he has chosen to act like a private citizen.⁹⁵ “For that ground raises you to the heavens, that same ground where we all walk together and where the footprints of an emperor are mingled with our own.”⁹⁶ Pliny, of course, was well aware of the yawning difference between *privatus* and *princeps*. It was that fundamental shift in status that marked out Trajan’s assumption of imperial power: “you returned as emperor, you who had left as a private citizen”—*ut reversus imperator, qui privatus exieras*.⁹⁷ It was self-evident too that what might seem moderate in a ruler would be excessive in a private citizen: *neque enim potest non nimium esse privatis, quod principi satis est*.⁹⁸ But it was precisely Trajan’s closing of the gap between the public protocols of rulership and the sensibilities of a private citizen that demanded admiration. The paradox is brilliantly captured in Pliny’s tightly compacted prose. *Privato iudicio principem geris*:⁹⁹ here is an emperor who still conducts himself with the sound judgment of one in private life and regards his palace as no different from a private residence.¹⁰⁰ Here is a ruler who in accepting a consulship bridged the distance between himself and his subjects: *idem principem quod privatum*—“emperor and private citizen are one and the same.”¹⁰¹ Nothing now lies between them—*nihilque inter privatum et principum interest*.¹⁰²

Pacatus—prepared, like Pliny, to push these striking antitheses to their logical and linguistic breaking point—also emphasizes Theodosius’ willingness to behave like a private citizen;¹⁰³ although (and this perhaps an indicator of a significant shift in the possibilities of praise) he nowhere embraces the emperor as “one of us.” It was, Pacatus claims, Fortune’s intention that Theodosius should relinquish his military commands and retire to his family estates before being recalled to fight the Goths. “In truth, Fortune, shaping a future emperor, for that very reason wished him for a short while to be a private citizen”—*enimvero illa futurum principem comens idcirco paulisper voluit esse privatum*.¹⁰⁴ Fortune’s plan to graft emperor onto private citizen paid off. For Pacatus, this combination of apparent opposites—uniquely reconciled in the person of an

95 Important discussions in Wallace-Hadrill 1982, 39; Rees 1998, 79–83; and Rees 2001, 156–160; Mause 1994, 121–122. For Bartsch 1994, 149–162, this slide between public and private is one of the main themes of the speech.

96 1.24.5.

97 1.21.4.

98 1.78.5.

99 1.44.2.

100 1.23.6.

101 1.64.4.

102 1.43.2.

103 Rees 1998, 97–99.

104 2(12).9.2.

ideal emperor—is evident in Theodosius’ attitude toward his friends. “Has any emperor ever considered that a care for friendship should be included in the praise of kings?”¹⁰⁵ One answer, which an attentive reader of Pliny might immediately offer, is Trajan.¹⁰⁶ Pliny squarely confronts the problem posed by an emperor who seeks friendship. “Love cannot be commanded of subjects as other things can. . . . It is not possible for an emperor to be loved unless he loves; and so you win affection just as you show it”—*amari nisi ipse amet non potest. Diligis ergo cum diligaris*.¹⁰⁷ For Pliny, this is another admirable example of Trajan’s refusal to act as an emperor. “You step down from your superior station to perform all the duties of friendship, you lower yourself from emperor to become a friend.” The predictable resolution is yet another paradox. Again Trajan stoops to conquer: “for you are never more emperor than when you play the part of friend.”¹⁰⁸

Pacatus’ emperor goes even further. Rather than stepping down to act as a friend, Theodosius raises friendship to new imperial heights and, in so doing, combines the duties of emperor and private citizen. “Friendship, a term once used by private persons (*nomen ante privatum*), you not only summoned to the palace but clothed in purple, crowned with gold and jewels, and placed on the throne.”¹⁰⁹ Trajan had achieved a similar leveling-up in his acceptance of a third consulship and his award of the same distinction to senior senators: “You did not make yourself a private citizen, but made private citizens equal to you”—*non se ut privatis, sed ut privatos sibi pares faceret*.¹¹⁰ But for Pacatus, Theodosius’ achievement in raising friendship—rather than lowering himself—was to be claimed as the greater: “as emperor you bestow on your friends what you wished for them when you were a private citizen (*et familiaribus tuis imperator tribuas quod privatus optaras*).”¹¹¹ Then follows an extended catalogue of Theodosius’ generosity in his award of countless offices, honors, and benefactions. “Your lips do not utter a promise unless it is underwritten by a pledge and your words are ratified by action.”¹¹² And Pacatus ensures, right from the beginning, that the competitive edge should not be missed. “The one styled ‘the best’ would make you rich, but he would not offer his affection as well; he knew how to act to your advantage, but not how to love”—*optimus ille*

105 2(12).16.1.

106 Sabbah 1984, 366.

107 1.85.3–5.

108 1.85.5.

109 2(12).16.2 with Kelly 1998, 149; Seager 1984, 159.

110 1.60.4.

111 2(12).16.2.

112 2(12).18.4.

*ditabat, non etiam diligebat; prodesse noverat, amare nescibat.*¹¹³ This is one of most pointed sentences in Pacatus' panegyric. It reads as a sharp verbal riposte to Pliny's assertion: *amari nisi ipse amet non potest. Diligis ergo cum diligari.* That Trajan is meant seems inescapable.¹¹⁴ Strikingly, in the whole of Pacatus' speech it is the only time that he uses the superlative *optimus*.

Another series of competitive similarities is focused—though somewhat less explicitly—on the emperors' accession. Pliny celebrates Trajan's reluctance to become the emperor Nerva's adopted son, heir, and co-ruler. For Pliny, adoption is Trajan's guarantee of excellence. "What a new and unprecedented route to imperial office. Not greed on your part, nor any fear of you, but another's advantage and another's anxiety has made you emperor."¹¹⁵ With his adoption by Nerva, Trajan, now co-ruler, resigns his former status "as a private citizen under a good emperor (*sub bono principe privatus*)."¹¹⁶ Pliny—as should now be familiar—admits the distinction only to elide it: "you considered yourself a private citizen, as long as there was another emperor."¹¹⁷ The cycle repeats itself on Nerva's death and Trajan's accession (*ut reversus imperator, qui privatus exieras*), and the proof of its elision is the emperor's reluctance to accept a consulship unless it was duly voted by the people and he was sworn into office according to long-established tradition (*nihilque inter privatum et principem interest*).¹¹⁸ Theodosius is similarly praised for his reluctance, admirably hesitant in giving up his retirement. It is his unwilling acceptance of imperial power that, in Pacatus' expansive claim, places him before all previous emperors.

You alone, august emperor, you alone I say of all those who have ruled up until now took it upon yourself to be emperor. Some were thrust upon the state by purchasing the votes of the legions, some by an empty palace, some by their connections with the imperial house. Neither bribery, nor opportunity, nor family relationship created you emperor.¹¹⁹

Pacatus moves quickly. Just a few sentences later he emphasizes that Theodosius was unchanged by his unlooked for (self-)promotion. It did not take a consulship

113 2(12).16.1.

114 Nixon/Rodgers 1994, 466 n. 49; Galletier 1949–1955, vol. 3, 82 n. 3* is less convinced.

115 1.7.1.

116 1.7.2.

117 1.10.4.

118 1.21.4, 43.2.

119 2(12).12.1 with Gibson 2010, 133–134. Pliny's assertion of the absence of any connection between Trajan and Nerva (1.7.4) is immediately undercut by the very fact of Trajan's adoption. The resolution is another paradox (1.7.6): that it would have been an abuse of imperial power for Nerva not to adopt Trajan, who—even without adoption—was clearly fit to be emperor (*superbum istud et regium, nisi adoptes eum quem constet imperaturum fuisse, etiamsi non adoptasses*).

to reveal his private sensibilities or to expose an emperor who was willing to be subject to the laws. From the moment he was emperor, Theodosius was a citizen king. “What difference did it make to you to become emperor who were to be a private citizen in the person of an emperor (*qui futururus eras in imperatore privatus*)? . . . You are the same as you always were, and you allow yourself only what is allowed by the laws.”¹²⁰

Pacatus’ play on Pliny’s paradox of *princeps* and *privatus* pushes these two panegyrics together. It is part of a much wider web of often broad correspondences between the two speeches. Both Trajan and Theodosius served alongside their fathers on campaign; their own military prowess was evident from their youth; both were distinguished by their good looks; both led exemplary private lives; both were readily accessible to petitioners; both dined in moderation, neither drinking nor feasting to excess.¹²¹ There are clear parallels in the descriptions of the emperors’ entries into Rome; here Pacatus—in a clear echo of Pliny—stresses Theodosius’ “frequent and citizen-like walkabouts (*crebro civilique progressu*).”¹²² Both Trajan and Theodosius replaced failed rulers notable for their similar vices and who both hid from public view in the dark recesses of their palaces. Importantly too, both Theodosius (as explored earlier) and Trajan could justly be compared to the great heroes of Rome’s Republican past.¹²³ Indeed, in these emperors the virtuous men of the Republic lived on. For Pacatus, Theodosius’ private life was such a model of rectitude that if Brutus “that defender of Roman liberty” were suddenly to be restored to life he would admit that “Roman dignity and liberty were in a better condition with you as emperor than when he was consul.”¹²⁴ For Pliny, it is Trajan’s willingness to follow correct electoral procedure in assuming the consulship—his insistence that the votes of the *comitia centuriata* should be counted and that he should take the oath of office—which justifies (a final paradox) that under a virtuous emperor Rome was once again a Republic.¹²⁵ For readers of both panegyrics, Pliny’s stress on Trajan’s willingness to adhere to Republican constitutional procedures was clearly reflected in Pacatus’ striking claim that Theodosius would have been unanimously elected to lead the state *omnium suffragis hominum tributim centuriatimque*.¹²⁶ Conversely, Pliny’s account of Trajan’s youth

120 2(12).12.5 clearly recalling Pliny at 1.9.3; Rees 2011, 179.

121 Serving with fathers: 1.14.1; 2(12).8.3; military prowess: 1.14–15, 17.3; 2(12).8; good looks: 1.4.7, 22.2; 2(12).6.2–3, 7.1; exemplary private lives: 1.82–84; 2(12).13, 20.5–6; accessibility: 1.24.2–4, 48.1–3; 2(12).21.2; dining: 1.49.4–8; 2(12).13.4–14.4.

122 2(12).47.3 with Nixon/Rodgers 1984, 515 n. 168.

123 Durry 1938, 37 lists the exempla in Pliny.

124 2(12).20.5–6.

125 1.57.5.

126 2(12).3.6, above n. 27.

and early military exploits must have gained in meaning by Pacatus' explicit mention of Spain as the homeland of both Trajan and Theodosius. This was a national perspective elaborated by Pacatus' extended praise of Spain's contribution to Roman imperial history. "She has given birth to the toughest soldiers, the most experienced leaders, the most skilful orators, the most famous poets; she is the mother of judges and of emperors." Deliberately downplayed by Pliny, this particularly Spanish view of Trajan was only available in retrospect.¹²⁷

CONTESTED MONARCHIES

On a hot summer's day in the senate-house in Rome in 389, it is unlikely that anyone in the audience appreciated the connections between Pacatus' praise of Theodosius and Pliny's *gratiarum actio*. Perhaps some might have recognized in Pacatus' lengthy celebration of imperial friendship that Trajan was the object of the *optimus* gibe. Those who had read Pliny on Trajan may have remembered some familiar-sounding passages—but, of course, most would not have been easily distinguished from the repetitive pattern-book language of imperial panegyric. Pacatus makes no mention of Pliny, nor—beyond the few phrases cited earlier—is there any extended quotation or arguably direct allusion. Rather, the network of correspondences between the two speeches comes into focus only when they are put next to each other: a pairing authorized by their position as the opening texts in the *XII Panegyrici latini*. Certainly, any reader moving on to enjoy Pacatus' panegyric immediately after Pliny's would be struck by the broad congruence of some of their themes, by Pacatus' bravura ability to rework some of Pliny's central ideas on kingship and sincerity to his own and Theodosius' advantage, by a shared interest in the problematics of praise, and (above all) by the apparent similarities between Trajan and Theodosius—and Pacatus and Pliny.

Such pairings might also have provoked reflections on the claims of late-antique emperors to be the successors of the "great" Roman emperors of the first and second centuries. (Most famously, after another civil war at the beginning of the fourth century, the Arch of Constantine in Rome had juxtaposed images of that victorious emperor with those of Marcus Aurelius, Hadrian, and Trajan.)¹²⁸ Certainly, the theme of Theodosius' relationship with Trajan was one pursued by contemporaries, some seeking to lend it greater

127 2(12).4.5; compare Pliny's glancing references to Spain at 1.14.2 (with Durry 1938, 107; Mause 1994, 66) and 1.14.5; and see n. 129 below.

128 Among a substantial literature on the Arch of Constantine, Elsner 2000, especially 163–175, is outstanding.

plausibility by the careful construction of a complex genealogy. The connection with Trajan was trailed by the court orator Themistius speaking before Theodosius in Constantinople a few years before Pacatus in Rome.¹²⁹ It was subsequently elaborated: the author of the *Epitome de Caesaribus* (written between the death of Theodosius in 395 and his son, Arcadius in 408) had no doubt that Theodosius was descended from Trajan, a model whom the emperor in part matched and in part exceeded:

As regards habits and physique, Theodosius resembled Trajan, as the writings of the ancients and pictures teach: thus he had the same distinguished bearing, the same comportment, likewise his hair and mouth were the same (save that Trajan's legs were a little weak for marching and his eyes were not as bright). . . . Theodosius was merciful, compassionate, accessible . . . he loved citizens, particularly those whom he had known in a private capacity and showered them with honors, money, and other benefits. . . . And he shunned those things which had compromised Trajan's reputation: a too obvious liking for wine and a strong desire to triumph in war.¹³⁰

Such elaborate—and sometimes fragile—claims asserting a connection between past and present (like those at the heart of Pacatus' panegyric) must also be seen against the background of a century brutally scarred by civil war and usurpation. Certainly, the fourth century was significantly more stable than the third, but that should not mask the real threat emperors faced to the security of their rule. Contested monarchies in Late Antiquity sought to demonstrate their legitimacy by appeals to tradition. Fabricated histories firmly embedded emperors in the Roman past. They suggested a sense of deep-rooted dynastic stability. Most important, the association of late-antique emperors with their predecessors created a comfortable sense of continuity with a distant, and, by implication, glorious period of rule that might even be extended (as both Pliny and Pacatus exemplify) as far back as the Republic. These connections were a crucial part of a strategy of legitimation that framed those who contested the right to rule as no more than usurpers, and which damned defeated usurpers as immoral despots and added them to a succession of

129 Them. *Or.* 16.205a, 19.229c with Chausson 2007, 214–219; see too Vanderspoel 1996, 196 n. 46.

130 *Epit. de Caes.* 48.8–10. The whimsical suggestion of Michel Festy 1998, 165–166, that this treatment of Theodosius in the *Epitome* derives from a panegyric delivered before the emperor in 391 by Symmachus is forcefully rebutted in Chausson 2007, 241–242 n. 121. On Theodosius' fictive ancestry, see, in particular, Chausson 2007, 189–254, especially 232–240; Festy 1999, 227 n. 2, 231 n. 11.

tyrants who had always threatened—and ultimately failed—to undermine the state.

How persuasively this compression of past and present might be realized is neatly illustrated by the juxtaposition of Pliny's *gratiarum actio* for Trajan and Pacatus' praise of Theodosius. Putting these two texts together—as the late-antique editor of the *XII Panegyrici latini* intended—is an important first step in mapping how Pliny's *gratiarum actio* might be understood as “le modèle du genre”—for both emperors and orators. More strikingly, it exposes how Pacatus' treatment of Theodosius gains in both complexity and depth: complexity in its self-conscious (and, in some cases, competitive) co-option of Pliny's anatomy of Trajan's virtues; depth in the retrospective illusion of continuity it constructs between two exemplary Roman emperors three centuries apart and the orators tasked with their praise. The presence of Pliny's panegyric underlines and reinforces Pacatus' own strategies for establishing the sincerity of his speech. It confirms and elaborates his idealized model of imperial power: as emperor, Theodosius maintains the attitudes of a *privatus*; in his conduct and virtues he bears comparison with the great figures of the past. In that sense, Pliny's praise of Trajan greatly enriches the “imperial coloring” of Pacatus' celebration of Theodosius. The paradox may be pushed further. Securely anchored side by side within the ideal world of *XII Panegyrici latini*—and knowingly far distant from the conventions that constrain the historian—these paired speeches hold out the promise that Pliny's Trajan and Pacatus' Theodosius might profitably be read as parallel lives.

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Born to Be Emperor

The Principle of Succession and the Roman Monarchy

HENNING BÖRM

WHEN CONSTANTINE I WAS ACCLAIMED EMPEROR BY THE ROMAN troops in Eburacum (York) after the death of his father Constantius Chlorus in the summer of 306, this step was at once both extraordinary and predictable—and it was probably seen as such by contemporaries, whether or not they considered the Imperium Romanum a hereditary monarchy. Neither in the eyes of the new *senior augustus* Galerius nor in the view of most modern historians did Constantine's accession satisfy the prevailing criteria of the time. Whether he can be called a “usurper,” however, is of secondary importance,¹ for it is clear that he saw himself confronted by a deficit of legitimacy.² His success tipped the balance in favor of the idea that being related to an emperor justified one's claim to rule, and it was in this period that the dynastic principle was established as an *explicit* element of the legitimation of Roman rulers once and for all. With the exception of Jovian, who ruled for only a few months, all universally recognized emperors between 324 and the mid-fifth century, without exception, were members of only two dynasties: first the Constantinian and subsequently the Valentinian-Theodosian. The aim of this chapter is to illustrate the causes and consequences of this development.

1 On Constantine as usurper, see Jones 1964, vol. 1, 78–79; Grünewald 1990, 13; Bleckmann 1996, 43; Kolb 2001, 59; Lenski 2006, 62; Brandt 2006, 32; Van Dam 2007, 83; Humphries 2008, 84. *Contra*: Odahl 2004, 78–79; Barnes 2009, 381; Wienand 2012, 119–142. On an extremely pragmatic definition of “usurpers” as “emperors who had been defeated in civil war” and the term *tyrannus* as a designation for “a failed *augustus*,” see Humphries 2008, 86–87; cf. also Szidat 2010, 27–31. For the purposes of this discussion, the term “usurper” denotes someone who illegitimately attempts to establish himself as emperor, and “monarchy” denotes a political system dominated by an individual.

2 It is impossible to determine whether Constantine or his dying father gave the impetus for his acclamation as emperor (cf. Odahl 2004, 78; Barnes 2009, 381). The argument that the Tetrarchs, particularly Galerius, had sent Constantine to Britain so that he could be elevated to *caesar* by the then *senior augustus* Constantius (Schmitt 2007, 101) is speculative and, in my opinion, cannot satisfactorily explain the events.

PRINCIPATE AND DYNASTY BEFORE 284

The dynastic principle had been important in the Roman monarchy from the very beginning. The idea that property, clients, and influence—but not *potestates* and *honores*—could be inherited was self-evident to the Roman nobility of the *res publica libera*. It made the careers of not a few *homines novi* far more difficult. Theoretically, the principle of meritocracy obtained; but in reality, as in most aristocratic societies, the Roman nobility sought to limit the number of social climbers and to concentrate power in the hands of the established *gentes*. Without the widespread willingness of supporters and soldiers to transfer their loyalty to their *patronus*' heir, Caesar's adoptive son Octavian could never have seized power for himself in the Imperium Romanum.

It was probably inevitable, that Octavian—now Augustus—resolve the question of the succession during his lifetime: a new struggle for power after his death, which easily could have escalated into civil war, would otherwise have been virtually inescapable. It was natural for a *nobilis* to bequeath the position that he had achieved to a member of his family; and likewise already the first *princeps* sought to pass on his power to a biological heir within his own family. It is not this which is striking and which stands in need of explanation, but rather the persistence of the notion that descent from an emperor did not qualify a man to rule, despite all trends to the contrary: if a *princeps* died before a successor had been designated or, ideally, had already been made co-ruler, then the question of the next emperor was essentially still open.³

In the early period of the new order, this is still fairly easy to explain. That Augustus as the notional restorer of the *res publica* could not simply bestow on an heir the exceptional position that his remarkable personal *auctoritas* justified⁴ is obvious enough. His rule was based on the premise that he had brought the civil wars to an end. The honors and the exceptional powers that clothed his power in legitimate forms had only been conferred on him. He therefore had to acknowledge the necessity of promoting and selecting potential successors according to their achievements and merits, not their familial relationship to himself. The principle of meritocracy, which had dominated the self-understanding of Roman *nobiles* for centuries, was still too strong. Of course, it was only proper to support the political career of younger relatives, but they had to attain personal *auctoritas* by their own accomplishments in the service of the *res publica*.⁵

3 Cf. Dahlheim 1989, 16–17.

4 Aug. *Res gest.* 34.

5 Suet. *Aug.* 56: *Numquam filios suos populo commendavit ut non adiceret: Si merebuntur* ("He never recommended his sons to the people without adding, 'As long as they deserve it'"). The *Historia*

Yet just a few decades later, the Roman monarchy was a *de facto* reality to which there was no alternative. At the very latest, the events after the deaths of Caligula and Nero, both of whom died without leaving a designated heir, must have made this clear to even the slowest observer. Both times the monarchy continued. And yet still the dynastic principle could not establish itself. If an emperor wished to secure the succession of a specific candidate, even one of his own sons, he had to invest that candidate with the appropriate powers in his own lifetime and raise him to *princeps iuventutis*, or *caesar*, or directly to *augustus*. Titus, Commodus, and Caracalla are the best examples of this procedure. Although the familial relationship with the emperor and membership in the *domus divina* were in practice crucial for the succession, they were not decisive in formal terms and could not by themselves ensure a smooth transition of power. There was no automatic succession in the sense of “Le roi est mort, vive le roi!” A natural or adopted son of an *augustus*, as legal heir to the emperor’s property and clients, had the means to render it virtually impossible to pass him over without bloodshed. Nonetheless, descent did not lend him *per se* sufficient legitimacy or a formal right to rule, least of all before the senate. Only against this background could the ideological foundation of the adoptive emperors be formulated, which Tacitus already puts in the mouth of Galba:

Under Tiberius, Gaius, and Claudius we Romans were the heritage, so to speak, of one family; the fact that we emperors are now beginning to be chosen will be for all a kind of liberty; . . . for to be begotten and born of princes (*a principibus*) is mere chance, and is not reckoned higher, but the judgment displayed in adoption is unhampered.⁶

Yet even the two most famous childless emperors of the second century, Trajan and Hadrian, hesitated for a conspicuously long time before appointing a co-ruler. Trajan probably never took this step,⁷ while Hadrian did so only when he was mortally ill, and even then he chose harmless candidates without military accomplishments. In light of the fact that an unclear succession at the death of an emperor would almost inevitably provoke civil war, the apparently irresponsible behavior of these *principes* requires an explanation: presumably many *augusti* feared that their already precarious position might be threatened by the elevation of a co-ruler and successor. Instead of risking the fate

Augusta probably alludes to this passage when it reports of Pertinax that he wanted to raise his son to the rank of *caesar* only when he had earned it: *cum meruerit* (Hist. Aug. *Pert.* 6.9).

6 Tac. *Hist.* 1.16 (trans. Moore 1925).

7 Cass. Dio 69.1.3; Hist. Aug. *Hadr.* 4.10. In any case, Hadrian, as Trajan’s great-nephew, seems to have been the closest male relative of the *principes*.

of a “lame duck,” they ignored the pleas of the senate and the threat of bloody conflict after their death for as long as possible. It moreover is scarcely a coincidence that Marcus Aurelius raised his five-year-old son Commodus to the rank of *caesar*: the risk of being marginalized by one’s natural son seems to have been very small compared to that taken in the last resort by adopting a successor. The obligation of *pietas* toward one’s own biological father most likely was considered simply non-negotiable. What is clear is that in the eyes of most emperors, the dynastic principle was to be preferred: that almost every *augustus* who had a natural son sought to establish him as his successor is sufficient proof of this.⁸ The fact that the relationship between an emperor’s sons could prove problematic is exemplified by Domitian and Titus and, above all, by Geta and Caracalla.⁹ As fate would have it, though, only two emperors—Vespasian and Septimius Severus—were survived by more than one biological son in the first 250 years of the Principate.

If, then, the *principes* favored the dynastic principle from the beginning while the monarchy in Rome became ever more “natural,” why was dynastic succession to the throne never universally accepted? In part, at least, this can perhaps be explained in terms of the “system of acceptance.”¹⁰ If we agree with Egon Flaig, there was no single, indisputable source of legitimacy,¹¹ and none of the groups on which the rule of the *augustus* depended—neither the soldiers nor the *nobiles* or the *plebs urbana*—was willing to forgo the advantages they derived from the fundamentally negotiable nature of the imperial succession. This had come to light as early as 41 AD, when the praetorian guard on its own initiative acclaimed Claudius emperor, so that the new ruler would be indebted to them.¹²

Above all, the demand of the soldiers for the right to acclaim an emperor of their own choosing grew louder over the decades, although the military milieu had always been inclined toward the foundation of dynasties: *exercitus facit imperatorem*.¹³ An automatic succession of emperors was not in the interest

8 Claudius evidently is an exception, since he seems to have preferred his adopted stepson Nero over Britannicus. The sources explain this with reference to the influence of Agrippina (Tac. *Ann.* 12.41; Cass. Dio 61.32.1–2). There is no reliable evidence for the view that in the end, he instead sought to establish Britannicus as his successor and was murdered because of it (Tac. *Ann.* 12.65–66; cf. Aveline 2004). It is, however, possible, that Nero was intended to act merely as temporary ruler on behalf of Britannicus. I am not aware of any other example in Roman history of an emperor’s son being excluded without violence from the succession.

9 Cass. Dio 78.1.4.

10 Flaig 1992, 174–207.

11 Flaig 1992, 184.

12 Ioseph. *Ant. Iud.* 19.2.1.

13 Jer. *Ep.* 146.6; cf. Tac. *Hist.* 2.76.4: *Et posse ab exercitu principem fieri sibi ipse Vitellius documento* (“Vitellius himself proves that it is possible to be made *princeps* by the army”).

of the groups concerned, whose influence remained undiminished well into the third century, as was clearly illustrated in the “year of the six emperors” of 238.¹⁴ If the closest male relative of the *princeps* could not assert his claim to the succession almost automatically, then the death of the emperor became an opportunity to renegotiate privileges and loyalties. At the same time, an emperor who had not yet designated a successor retained sole power and need not fear his own marginalization.

The persistence of the notion that descent from an emperor did not qualify a man to rule is still attested by Herodian, who puts a plea in favor of meritocracy in the mouth of Macrinus.¹⁵ Nonetheless, the fact that dynastic bonds on the whole became ever more important for the question of succession can scarcely be contested.¹⁶ An important step in this direction was taken by Septimius Severus, who expected to derive an advantage in the civil war of 193 from claiming (fictitious) descent from the Antonines.¹⁷ He established a close relationship precisely between his own *domus* and the soldiers, which proved sufficient to bring Elagabalus to power in 218: the young man simply spread the claim that he was an illegitimate son of Septimius’ son Caracalla.¹⁸ Gordian III, likewise a youth, owed the purple in 238 to being grandson and nephew, respectively, of two emperors who had ruled for only several weeks.¹⁹

DIOCLETIAN AND THE FIRST TETRARCHY

At the latest since 268, the real choice of a successor lay with the armies, not least because the military threats to the empire meant that emperors were usually acclaimed not in Rome but rather by the armies on the frontiers. This must have further reduced the importance of the Roman senate and *plebs*.

The period of instability into which the Principate fell in the mid-third century was ended by Diocletian. The Tetrarchy²⁰ established by him represents

14 Börm 2008a, 76–77.

15 Herod. 5.1.5–7. Macrinus in fact sought to associate himself with the Severan dynasty; cf. Zimmermann 1999, 220. Moreover, he allowed his young son Diadumenianus to be raised first as *princeps iuventutis* and *caesar*, and then as *augustus*; Cass. Dio 78.17.1; cf. Syme 1972.

16 Hekster 2002 argues, from the example of Commodus, that the character of the Principate as an “acceptance system” did not mean that the dynastic principle was unimportant.

17 Cf. Birley 1988, 17. Moreover, the conduct of Clodius Albinus—who allowed himself to be encouraged by Severus with the rank of *caesar* and the expectation of succeeding him, although his rival had two sons—can be better explained if the governor of Britain did not envisage a dynastic succession.

18 Cass. Dio 79.32.1–3.

19 It is possible that Gordian III also sought to establish a fictive relationship to the Severan dynasty; cf. Börm 2008a, 78.

20 Seston 1946; Barnes 1982; Kolb 1987; Rees 2004.

an important caesura, during which the reigning *augustus* separated the “sacred family” of the four emperors from their natural relatives; they intermarried among themselves²¹ and apparently envisaged no role for Maxentius and Constantine. Considerations of military efficiency obviously played a role here. No *augustus* had succeeded in establishing a dynasty since 235, while not a few had elevated either immature or incompetent sons as co-emperors, who sooner or later failed and thereby weakened the empire further. Even ancient authors justified the gradual introduction of a college of emperors by referring to military threats.²² With the foundation of the Sasanian empire in 224, which permanently threatened Rome with the prospect of war on more than one front, the military threat had become graver and could scarcely be managed by a single ruler.²³

Above all, however, Diocletian’s arrangement reduced the likelihood of usurpation, which had so seriously shaken the Imperium Romanum in previous decades. Now a pretender would have to deal with an entire college of emperors.²⁴ Still more important, ambitious commanders who considered themselves *capax imperii* could hope to be admitted to the imperial college peacefully instead of having to wage civil war against the ruling family.²⁵ The emperors’ sons Maxentius and Constantine were certainly cultivated,²⁶ presumably to prepare them for admission to the imperial college once they merited it; yet around 300, the right to rule was less hereditary than ever.

Diocletian himself began as a soldier emperor who had seized power in civil war against Carinus, the son of the emperor Carus, and he was perhaps

21 Eutr. 9.22.1.

22 Aur. Vict. *Caes.* 39.17–24; Eutr. 9.22.1. Despite these explanations, Frank Kolb assumes that the Tetrarchy was not improvised as a response to military problems, but rather that it was the product of a carefully conceived plan; cf. Kolb 1987.

23 Heather 2005, 58–67; cf. Wiesehöfer 2008.

24 During the first Tetrarchy there were certainly usurpers; cf. *Epit. de Caes.* 39.3 (*hoc tempore Charausio in Galliis, Achilleus apud Aegyptum, Iulianus in Italia imperatores effecti diverso exitu periere*).

25 In my opinion, it was therefore not a matter of taking into the Tetrarchy men from whom there was no potential threat of usurpation (*contra* Seston 1954, 1039). On attempted usurpation by successful military commanders in the third century, see Hartmann 1982.

26 At least in the case of Constantine, this is certain; cf. Mitchell 2007, 62. When the later tradition, which is favorable to Constantine, complains that Galerius exposed the young man to considerable danger in the war against the Sarmatians (Anon. Val. *Origo Const.* 2–3), there may be a concealed suggestion that the intention was actually not to endanger Constantine but rather to offer him the opportunity to earn military laurels. Had the intention been, on the other hand, to eliminate him, there would have been more simple means. Eusebius also mentions the support for Constantine from his father’s colleagues (Euseb. *Vit. Const.* 1.19.1). According to Lactantius, however, he had risen only to the rank of *tribunus primi ordinis* (Lact. *Mort. pers.* 18.10). It is uncertain whether Constantine was engaged to the daughter of Maximian before 306; cf. Bleckmann 1996, 41.

not altogether innocent of the death of Carinus' brother Numerianus in 284.²⁷ Like many emperors before him, the new *augustus* began his rule with usurpation against a dynastically legitimate emperor. Quite early in his reign it became apparent that familial relationships (*consanguinitas*) would no longer be decisive, even before the expansion of the diarchy to the Tetrarchy in 293. This is reflected in the panegyric transmitted under the name of Mamertinus, which was delivered in Trier in 289, in honor of Diocletian's colleague Maximian. Reference precisely to the dynastic principle makes it clear, on the other hand, that criticism of it already required a justification: "Both of you are now most bountiful, both most brave, and because of this very similarity in your characters the harmony between you is ever increasing, and you are brothers in virtue, which is a surer tie than any tie of blood."²⁸

Naturally, there was rivalry within the Tetrarchy. Lactantius may have exaggerated the ambition of the *caesar* Galerius who is said to have become increasingly dissatisfied with his subordination to the *augusti*, especially after his spectacular victory over the Persian *Šāhān šāh* Narseh in 298.²⁹ Yet it was natural that a system in which outstanding *virtutes* and *gesta* justified rule could not remain free from tension and rivalry. The superiority of the *augusti*, *creatores deorum*,³⁰ however, was secure, and the *auctoritas* of the *senior augustus* Diocletian seems to have never been challenged by the other three emperors.³¹ Decades later, Aurelius Victor emphasized these clearly defined relationships: "Finally, they used to look up to Valerius as a father or like a mighty god. The nature and importance of this attitude have been made conspicuous by the crimes committed by relatives from the founding of the city to our own times."³²

Diocletian's intention to minimize the importance of *consanguinitas* in the imperial succession is often seen as the decisive mistake that led to the collapse of the Tetrarchy after 306.³³ Meritocracy and the dynastic principle were not, however, fundamentally incongruous.³⁴ It must have been obvious to

27 Eutr. 9.20.1–2.

28 *Pan. lat.* 10(2).9.3 (trans. Nixon/Rodgers 1994).

29 Lact. *Mort. pers.* 9.8: *quo usque caesar?* ("How long still only *caesar*?").

30 ILS 629: *diis genitis et deorum creatoribus dd. nn. Diocletiano et [Maximiano invicti]s Augg.*

31 Bleckmann 2004, 75. Julian also depicts the subordination of the remaining three emperors, including his own grandfather, Constantius Chlorus, to Diocletian by describing them as dancers and bodyguards of the *senior augustus* (Iul. *Caes.* 315a–b). An indication of Diocletian's exceptional *auctoritas* is afforded by his intervention in the power struggles of 308, when he again held the consulship and compelled the rival emperors at Carnuntum to make at least a temporary agreement.

32 Aur. Vict. *Caes.* 39.29 (trans. Bird 1994).

33 Cf. Christ 1995, 730; Bellen 1998, 269–270; Brandt 1998, 27; Frakes 2006, 93; Demandt 2007, 74.

34 The marriage relationships of the *augusti* and *caesares* with one another demonstrate that family categories were not foreign to the Tetrarchs. Thus, Galerius was Diocletian's son-in-law; cf. Brandt 1998, 62. This was especially true for the *Jovii* Diocletian, Galerius, and Maximinus Daza. In fact, it

Diocletian, who had otherwise proven to possess a sharp appreciation of political realities, how great the devotion of the soldiers to tradition was. We might well conclude that he had good reasons for his policy. And indeed, if his aim was to prevent usurpation, then his actions were only reasonable. Retreat from the *de iure* irrelevant dynastic principle was his answer to the civil wars of the third century. In contrast to the emperors of the second century, Diocletian, who was the only Roman emperor to abdicate voluntarily,³⁵ was true to his word when he propagated the principle of meritocracy.

The new system could offer ambitious men prospects and thus prevent usurpation, only if positions in the college of emperors became available at relatively short intervals. If vacancies were not created by natural means, as a result of the deaths of emperors, then *augusti* would have to abdicate to ensure that the system achieved its principal aim of avoiding bloody power struggles. Precisely this occurred in May 305,³⁶ and it was precisely for this reason that Constantine and Maxentius, natural sons of emperors, could not be permitted to enter the imperial college automatically, since this would have denied advancement to experienced men. Diocletian's Tetrarchy did not fail because of an arbitrary or naïve rejection of the dynastic principle but rather because Constantius Chlorus died before his son could earn regular admission to the college of emperors on the basis of his achievements.³⁷

CONSTANTINE: THE FOUNDING OF A DYNASTY

The exact sequence of events that led to the acclamation of Constantine by the legions in Britain in July 306 remains uncertain.³⁸ Even if his dying father had indeed bestowed the purple on him, Constantine's pretensions to the rank of *augustus* clearly violated the rules of the Tetrarchy.³⁹ Perhaps he was not

is quite possible that Diocletian simply wanted them and not the *Herculii* to be viewed as the actual *domus augusta*.

35 Bleckmann 1996, 38–40.

36 The new Tetrarchy immediately advertised the unity of the college of emperors on its coins: CONCORDIA AVGG ET CAESS NN (RIC 6 Treveri 618). The abdication of the *augusti* Diocletian and Maximian had evidently been long in the making; cf. Kolb 1995, 30.

37 It is conceivable that Galerius sent Constantine to Britain above all so that he might distinguish himself in the fighting there, and indeed he accompanied his father on a campaign against the Picts (Anon. Val. *Origo Const.* 4). Constantius Chlorus' death was quite possibly unexpected.

38 Euseb. *Vit. Const.* 1.21.1–1.22.2; Anon. Val. *Origo Const.* 4: *Constantinus omnium militum consensu caesar creatus* ("Constantine was unanimously declared *caesar* by the soldiers"); cf. Potter 2004, 340–346, who illustrates the problems of the tradition friendly to Constantine.

39 The sources are divided as to whether Constantine aspired to the title of *augustus* in July 306 (Schmitt 2007, 104). In my opinion, there is no compelling reason to doubt the near-contemporary report of Lactantius, favorable toward Constantine, according to which he began his reign as *augustus* (Lact. *Mort. pers.* 24.9), while he was acknowledged reluctantly by Galerius only as *caesar* (Lact.

a usurper—or perhaps he had to usurp power simply to stay alive—but he definitely had to acknowledge that he lacked legitimacy. Nothing illustrates Constantine’s consciousness of this deficit more than his efforts to compensate for it, even after Galerius had grudgingly recognized him as *caesar*.⁴⁰

Since Constantine obviously could not claim to have performed any significant service for the *res publica*, and since by accepting his demotion to *caesar* he implicitly conceded that neither his father nor the legions in Britain had had the right to confer on him the rank of *augustus*, there remained only one strategy of legitimation: to emphasize the dynastic principle more openly and insistently than ever in the past three centuries. This has been recognized by past scholars.⁴¹ Constantine took the first step in this direction already in 307, which is reflected in the panegyric delivered in Constantine’s and Maximian’s honor on the occasion of Constantine’s marriage to Fausta.⁴²

And so we give you the most heartfelt thanks in the public name, eternal princes, because in rearing children and wishing for grandchildren you are providing for all future ages by extending the succession of your posterity, so that the Roman state, once shaken by the disparate characters and fates of its rulers, may at last be made strong through the everlasting roots of your house, and its empire may be as immortal as the offspring of its Emperors is perpetual. . . . For you are propagating the State not with plebeian offshoot but with imperial stock, so that that thing which we were congratulating you on finally coming to pass in the thousandth year after the foundation of the city, that is, that the reins of our common safety not be handed down, subject to change, through new families, may last through all the ages, Emperors forever Herculan.⁴³

This speech reads as a deliberate alternative to the Diocletianic model. It is no longer the achievements of individuals, who through their outstanding service can rise to power, but rather the supposed stability from limiting the Principate to a single family that is the central message of the panegyric. Given that Constantine had hardly any achievements to show, this is unsurprising. His military experience must have seemed all the more modest against the glory

Mort. pers. 25.1–5). Eusebius also says unambiguously that Constantine was acclaimed in Eburacum as βασιλεὺς αὐτοκράτωρ and σεβαστὸς αὐγουστός (Euseb. *Vit. Const.* 1.22.1).

40 Humphries 2008.

41 Cf. Kolb 2001, 59–61; Mitchell 2007, 62–63.

42 The exact time and place (probably Trier, but possibly Arles) of this speech are disputed; cf. Grünewald 1990, 26.

43 *Pan. lat.* 7(6).2.2, 2.5 (trans. Nixon/Rodgers 1994).

of Galerius' victory over the Persians in 298. The rhetor of 307 knew of hardly any victories for which he could praise Constantine.⁴⁴ Until his new father-in-law elevated him to *augustus*, he ranked as the lowest of the four emperors, and he was also the newest among them; Constantine probably manipulated the reckoning of his *tribunicia potestas* in order to make it comparable to that of his rivals Severus and Maximinus Daza.⁴⁵ This was obvious sleight of hand. The only advantage Constantine clearly had over the other three Tetrarchs was that he was the son of an *augustus*. Only he was *divi Constanti pii augusti filius*,⁴⁶ to whom his deified father had bequeathed the *imperium*.⁴⁷ Praxagoras, in his brief outline of Constantine's rise (FGH 219), mentions the βασιλεία he inherited from Constantius as the starting point. Circumstances dictated Constantine's actions, and from his perspective there was probably no alternative. His emphatic propagation of the dynastic principle, however, would have far-reaching consequences for the Roman empire.

Three eventful years later, the arrangement made at the Conference of Carnuntum in 308, chaired by Diocletian, which had sought to rescue the Tetrarchic system, had failed.⁴⁸ The open power struggle intensified. After the death of Maximian, his son Maxentius emerged as Constantine's principal opponent. Maxentius had had himself acclaimed *augustus* in Rome in October 306, and he controlled Italy and Africa.⁴⁹ He was recognized by none of the other emperors. However, he could not only rely on the support of the senate, *plebs*, and praetorian guard, but he also enjoyed another advantage that must have irritated Constantine: like Constantine, Maxentius was the son of an *augustus*. If Constantine took his own propaganda seriously, which had so vehemently promoted the dynastic principle, then he had to acknowledge that Maxentius had a powerful claim to rule. Still worse, whereas Constantine was probably born out of wedlock,⁵⁰ Maxentius was the legitimate son of an *augustus*.⁵¹

44 Pan. lat. 7(6).4.4: *Tibi cunctis hostibus alacritatis tuae terrore compressis interim deest materia vincendi* ("Because all of our enemies have been suppressed from fear of your achievements, there is at present nothing for you to conquer").

45 Brandt 1998, 110–111.

46 CIL 17.88.

47 Pan. lat. 7(6).5.3. The example of Aurelius Victor, who in 360 (under Constantius II) soberly recognized that in 306, Constantine had simply "taken power," shows that this perspective never prevailed: *imperium capit* (Aur. Vict. Caes. 40.4).

48 On the occasion of this meeting and as a sign of the renewal of the Tetrarchy, the *augusti* and the *caesares* dedicated a temple to *Sol Invictus Mithras* (ILS 659).

49 Cf. Leppin/Ziemssen 2007.

50 Zonar. 13.1.4; cf. Schmitt 2007, 87–88.

51 Maxentius is probably the *filius* of Maximianus mentioned in the panegyric of 289 (Pan. lat. 10[2].14.1).

Constantine thus needed to bolster his ideological weaponry. He needed something that could justify his pretensions to superiority. As matters stood, it seemed opportune to play the dynastic card yet again to trump Maxentius. It is thus no coincidence that next to Constantine's father, the *divus* Constantius, a second *divus*, Claudius II Gothicus (268–270), was now paraded to legitimate the emperor.

And so I shall begin with the divinity who is the origin of your family, of whom most people, perhaps, are still unaware, but whom those who love you know full well. For an ancestral relationship links you with the deified Claudius, who was the first to restore the discipline of the Roman empire when it was disordered and in ruins. . . . Among all who share your majesty, I aver you have this distinction, Constantine, that you were born an Emperor.⁵²

There is absolutely no evidence that Constantius Chlorus was really a descendant of the famous victor over the Goths.⁵³ The rhetor himself admits that this claim of descent would be news to most of his audience, which should be proof enough that it was a recent fabrication. Claudius II had triumphed spectacularly over a Germanic *gens*, and, like his alleged descendant, came from Illyricum. He evidently was remembered fondly, though his reign of just two years cannot have left much of an impression. To choose Claudius as an imperial forebear, which thereby made Constantine the descendant of two *augusti* and two *divi*, was ingenious. To make absolutely sure no one could miss it, the rhetor openly explains the purpose of this construction: to demonstrate that Constantine is superior to all of his fellow emperors, because he alone is a born *imperator*.⁵⁴ This strategy strongly recalls Septimius Severus who, unlike Constantine, chose a fictitious dynastic connection that did not lie decades in the past.

The appeal to Claudius Gothicus must have been emphatically propagated, as it seems to have become widely known. The tradition was still familiar to the author of the *Vita Claudii* in the *Historia Augusta*,⁵⁵ and in 361, Julian,

52 *Pan. lat.* 6(7).2.1–2, 2.5 (trans. Nixon/Rodgers 1994).

53 Cf. Syme 1974.

54 I am of the opinion that Constantine's adoption of Christianity, at least initially, was also an attempt to distance himself from his rivals. The fact that the Christians represented only a modest minority (cf. Bringmann 1995) and that a specific personal experience may have motivated Constantine's adoption of the God of the Christians (cf. Weiß 2003) is not relevant here. Moreover, as a monotheistic religion, Christianity may have been particularly attractive to a man who wanted to establish himself as sole ruler. On Constantine and Christianity, cf. Bardill 2012: 338–396.

55 *Hist. Aug. Claud.* 3.1–2: *In gratiam me quispiam putet Constantii caesaris loqui . . . Claudium principem loquor, cuius vita, probitas, et omnia quae in re publica gessit tantam posteris famam dedere ut senatus populusque Romanus novis eum honoribus post mortem adfecerit.* ("Some may think that

the last *augustus* of the Constantinian dynasty, portrays Claudius Gothicus in his *Caesares* as an exceptional ruler, to whose descendants the gods had entrusted the empire. Apparently he could take for granted that he himself was a descendant of Claudius, since he does not say a word on the subject: “Next came Claudius, at whom all the gods gazed, and admiring his greatness of soul granted the empire to his descendants.”⁵⁶

After Constantine’s victory over Maxentius in 312, his self-representation dropped every reference to the Diocletianic order.⁵⁷ In the panegyric of 313, the dynastic principle dominates completely; the rhetor expresses his hopes that the *maximus imperator* Constantine, to whom an heir has already been born, might have still more children “to govern the globe.”⁵⁸ The admission of men from outside the dynasty to the imperial college is no longer envisaged. Licinius, the *augustus* of the East, is not mentioned; the problem he poses is thus ignored.

After their first armed struggle for sole rule,⁵⁹ Licinius followed the example set by Constantine: in 317, he raised his young son Licinianus to the rank of *caesar*.⁶⁰ This more than anything illustrates the effectiveness of Constantine’s emphasis on *consanguinitas*. Instead of turning to an experienced commander for support in light of the dangerous situation, as Diocletian had done in 285, Licinius embraced the idea of demonstrating stability and continuity by naming a successor from within his own family. During the first war against Constantine, he had acted differently and raised Valerius Valens, the Dacian *dux limitis*,⁶¹ to the rank of *caesar*.⁶² That experiment, however, had failed. The elevation of a man who was not a member of his family had not paid off. Valens, who was too dangerous as a new contender in the struggle for power, was probably killed at Constantine’s behest.⁶³

I speak in order to gain the favour of Constantius Caesar . . . when I speak of the *princeps* Claudius, whose life, integrity, and all that he did for the *res publica* won for him such fame among later generations, that the senate and people of Rome accorded him unique honours after his death.”) The author of the *Vita* claims to write in the time of Constantius. I follow the *communis opinio* here and assume that, in fact, the *Historia Augusta* was composed in the second half of the fourth century.

56 Iul. *Caes.* 313d (trans. Wright 1913).

57 Diocletian is mentioned in relevant sources for the last time in reference to the marriage of Licinius and Constantia in 313 (*Epit. de Caes.* 39.7).

58 *Pan. lat.* 12(9).26.5; cf. Ronning 2007, 372.

59 Anon. Val. *Origo Const.* 14–16; Zos. *Nea hist.* 2.18.1; cf. Lenski 2006, 73–74. Surprisingly biased: Odahl 2004, 170.

60 Aur. Vict. *Caes.* 41.6.

61 PLRE 1, 931.

62 Anon. Val. *Origo Const.* 17; cf. Christ 1995, 744.

63 Zos. *Nea hist.* 2.20.1; *Epit. de Caes.* 40.9.

As for the youth of the new *caesares*, Constantine outdid his rival yet again: Constantine II was still an infant when he was clothed in the purple together with Licinianus and Crispus. It was thereby made clear to all that direct descent from an emperor was perfectly sufficient for elevation to the rank of *caesar*.⁶⁴ It was all but inevitable that this principle should result in a new war between the two remaining imperial families, in which Licinius was defeated in 324.⁶⁵ Constantine's victory was at the same time the triumph of the dynastic principle.⁶⁶ A central element in Diocletian's effort to stabilize the precarious Roman monarchy was thus abandoned and replaced with an essentially conservative strategy, which many emperors of the third century had already followed.

THE LEGACY OF CONSTANTINE: DYNASTIC RIVALRY

It is possible that the deadly clash between Constantine and his son and *caesar* Crispus reflects tensions within the *domus divina*, although the state of our sources makes it impossible to know for sure.⁶⁷ Yet there was another, more serious and central problem that resulted from emphasis on *consanguinitas* as the main basis of imperial legitimacy: if direct descent from an emperor justified a claim to the *imperium*, how would one decide which descendent enjoyed pre-eminence over the others? After Crispus' death, Constantine's superior *auctoritas* was never challenged again openly,⁶⁸ but how were his sons to proceed when he died? They faced essentially the same dilemma that plagues every hereditary monarchy in which there are no unambiguous criteria for succession. In late-antique Persia, for example, where all descendants of Sasan, the founder of the dynasty, were eligible as heirs, some Great Kings executed all rivals, including their own brothers, as a precaution.⁶⁹ If they failed to do this, war over the succession often broke out between members of the royal family.⁷⁰

This danger became still more acute in the Roman empire because Constantine maintained another central element of the Diocletianic model: a

64 Cf. Christ 1995, 744; Potter 2004, 378.

65 During this crisis, Licinius then raised his *magister officiorum* Martinianus to the rank of *augustus*; he was executed one year later, together with Licinius (cf. Aur. Vict. *Caes.* 41.9).

66 Cf. Szidat 2010, 165–181; cf. also Barnes 2011 (esp. chapter vii).

67 Odahl 2004, 204–208; Brandt 2006, 118–120; Demandt 2007, 95–96.

68 It is an open question, however, whether the attempted usurpation of Calocaerus (PLRE 1, 177) was as harmless as it is generally assumed, and whether the rebel was really nothing more than a laughable *magister pecoris camelorum* (Aur. Vict. *Caes.* 41.11).

69 For example, according to Tabarī (1.1060), Kabad II had seventeen of his (half-)brothers murdered immediately following his accession, on the grounds that they were potential rivals.

70 Amm. Marc. 23.6.6. On succession in the Sasanian empire, see Börm 2008b, 433–435.

college of emperors. In addition to his three sons, in 335 he raised a fourth *caesar* to the purple, his nephew Flavius Dalmatius (Delmatius).⁷¹ As the numismatic evidence demonstrates,⁷² he envisaged a revival of the Tetrarchy, in which Constantine II was probably to reign as *senior* and Constantius II as *iunior augustus* after Constantine's death,⁷³ supported by their brother and cousin as *caesares*.⁷⁴ Constantine's failure to appoint at least one further *augustus* during his lifetime, however, ruined this plan. It is difficult to discern the reasons for this failure, but it is at least conceivable that he may have feared being rendered a "lame duck" by a co-ruler of equal rank. Perhaps his *auctoritas* was not as unassailable and his position not as strong as outward appearances suggest? This at least would explain why he spent the months before to his death planning a Persian war: victory would have brought enormous prestige, as the example of Galerius had shown. If Constantine had returned from the East as a new, triumphant Alexander, he could have done as he wished and raised two *augusti* to make his wishes clear. Events, though, took another course.

As is well known, the promised *securitas perpetua* did not prevail after Constantine's death in 337.⁷⁵ In the following months, the four *caesares* failed to agree who among them should enjoy seniority and become *augustus*, since they were all grandchildren of the *divus* Constantius. The Gordian knot was cut by the soldiers who killed Dalmatius, his brother Hannibalianus—then *rex regum et Ponticarum gentium*—and other family members of the deceased *augustus*. The army clearly refused to accept any extension of the dynastic principle: the soldiers would be ruled only by the sons of the late *augustus*, as Zosimus soberly concluded.⁷⁶ It was not, therefore, decisive to be simply a member of the imperial family. Shortly after these events, Eusebius formulated the view that by God's will, Constantine's βασιλεία, which he had taken over from his father, had now passed legitimately to his sons and their descendants. He regarded the Imperium Romanum as an eternal κληρος of a single family.⁷⁷ What Tacitus had condemned two centuries earlier had at last become respectable.

The massacre of 337 was a portent of things to come. The events exposed the fatal absence of an automatic rule of succession. Constantine's successors

71 *Epit. de Caes.* 41.19–20. The *epitome* confuses Dalmatius (PLRE 1, 241) with his brother Hannibalianus.

72 RIC 7 Constantinople 89. On the reverse, the medallion shows Constantine enthroned with nimbus, flanked by two larger and two smaller figures, with the legend SECVRITAS PERPETVA.

73 Cf. Chantraine 1992. The assumption that Constantine intended Constantine II to be sole *augustus* (Cara 1993) cannot be substantiated.

74 Demandt 2007, 104.

75 Cf. Klein 1979a; Burgess 2008.

76 Zos. *Nea hist.* 2.40.3.

77 Euseb. *Vit. Const.* 1.9.2.

cultivated dynastic succession more than ever before,⁷⁸ and still the succession was not automatic. The son of an *augustus* inherited only a claim to rule, not the rule itself. Even the son of an *augustus* became emperor only by the ceremony of elevation and acclamation.⁷⁹ The difference between the Roman monarchy and a “normal” kingdom may have continued to fluctuate in the fourth century—it was no coincidence that terms derived from *rex*, especially *regnum*, appear with increasing frequency in unofficial usage⁸⁰—but it did not disappear altogether. As we shall see, this was also true for the meritocratic principle. As the office of emperor was not formally hereditary, neither primogeniture nor seniority could establish precedence among members of the imperial house.

This structural problem was not resolved by the fact that all three surviving sons of Constantine now ruled the empire as *augusti*. Already the third century had demonstrated how a college of emperors without a clearly established hierarchy was dysfunctional; one might cite Geta and Caracalla or Pupienus and Balbinus as examples. The Roman empire was in essence always a monarchy, even when more than one ruler shared its governance.⁸¹ Someone *had* to take precedence. If no agreement about rank could be achieved, as it had been under Diocletian, this provoked conflict. Bruno Bleckmann has shown that within colleges of emperors after Diocletian it was almost always impossible to keep rivalries under control. With the exception of Valentinian I and Theodosius I, no *augustus* was able to establish himself indisputably as supreme.⁸²

This observation is correct, but it raises the question of causes. In my opinion, the answer lies in the affirmation of the dynastic principle by Constantine. Among potential rulers legitimated by birth, no one was prepared to accept the seniority of another. In the context of an imperial college, the necessity of which the events of the third century had proven, this discord would inevitably lead to disaster. This was a fundamental difference from arrangements in which an emperor owed his position not to an imperial forebear but to a *senior augustus* as his *auctor imperii*, even if they were related.

Rivalry and distrust within imperial colleges of blood-relatives were the rule after 337; to cite Polybius, one could almost speak of οἰκεῖοι φόβοι of the

78 Frakes 2006, 95–96; Rosen 2006, 38.

79 Cf. Jones 1964, vol. 1, 322.

80 Cf. Lact. *Mort. pers.* 7.2. In the Greek world, βασιλεὺς together with αὐτοκράτωρ and σεβαστός had long been customary in unofficial usage, though in official usage only from 629; cf. 1 *Tim.* 2.2. In the Latin context, it appears that Christian or biblical influence above all led to the fact that *rex* could increasingly denote a ruler generally in literary, including Roman, usage; cf. Augustin. *C. Faust.* 22.75.

81 Cf. Porphy. in Macarius Magnes 6.20.

82 Bleckmann 2004, 76.



Figure 12.1 Festaureus of emperor Constans, RIC 8 Siscia 18.

emperors.⁸³ At the end of 337, the three brothers had attempted to agree on their respective territories.⁸⁴ Constantine II, however, claimed seniority over his brothers and in 340 sought to establish predominance by force against Constans,⁸⁵ who already in 337 had minted coins advertising his own claims (cf. Figure 12.1).⁸⁶ After all, he too was the son of an emperor. Just three years after the death of their father, dynastic rivalry had led to civil war, which came to a swift end only because Constantine II soon perished. The following ten years were marked by tension between the two surviving brothers; this tension found expression (as had also been the case with Constantine and Licinius) not least in ostentatiously contradictory religious policies.⁸⁷ Then, precisely what Diocletian's system was intended to prevent occurred—the usurpation of a general who saw no peaceful means of fulfilling his ambitions as long as rule was confined to a single dynastic family.⁸⁸ Constans died in 350 while fleeing from the troops of Magnentius.⁸⁹

83 In fact, Hellenistic monarchies, which Polybius (5.34.1) had in mind, were confronted by similar problems: as all heirs of a ruler were dynastically legitimate, it frequently came to bloody contests for the throne; cf. Gehrke 2013.

84 Barceló 2004, 55–57.

85 Philost. *Hist. eccl.* 3.1a; Zonar. 13.5.7–8.

86 RIC 8 Siscia 18. In my view, everything suggests that the dominant figure in the image on the reverse is supposed to represent not Constantine II but Constans; cf. Kolb 2001, 243–249.

87 Cf. Brandt 1998, 42. On the religious conflicts after 337, see Brennecke 1984; Hahn 2004; Isele 2010.

88 PLRE 1, 532; Drinkwater 2000; Barceló 2004, 92–101. On imperial dynasties between 350 and 395, cf. Errington 2006, 13–42.

89 Aur. Vict. *Caes.* 41.24. On the usurpations after 337, cf. now generally Szidat 2010.

Remarkably, the usurpation of Magnentius did not represent a fundamental break from the dynastic principle. History might have been different had Constantius II accepted Magnentius' terms and legitimated his position. He refused. As it became apparent that civil war was inevitable, Magnentius did what the emperors of the third century and Licinius in 317 had done: he appointed a *consanguineus*, his brother Decentius,⁹⁰ as co-ruler, before they were both defeated by Constantius II and perished.⁹¹ The decisive battle at Mursa in 351 is reckoned among the bloodiest of all antiquity. Since it was above all the elite troops of the empire who died, the scenario that had so weakened the Imperium Romanum a century earlier was repeated once more: bloody civil war, precipitated by the attempt of successful generals to depose the ruling family.⁹²

Shortly after the victory, which was complete with Magnentius' suicide in 353, the sheer inescapability of the essential problem became obvious: Constantius II was the sole surviving son of Constantine, but he evidently did not believe that he could single-handedly master all the challenges that faced him. The Roman empire was simultaneously threatened on the Rhine, Danube, and Euphrates frontiers. If Constantius II adhered to the dynastic principle, then only his cousins Gallus and Julian were eligible as co-rulers.⁹³ Like him, they were both grandsons of the *divus* Constantius; their father, however, unlike his half-brother Constantine, was born of a legitimate relationship of the *augustus* with Theodora—and this was obviously a sensitive matter.⁹⁴ Initially, Constantius decided in favor of Gallus, who was raised to the rank of *caesar* in March 351, before Constantius himself took to the field against Magnentius.⁹⁵ The circumstances that then led to Gallus' execution in 354 can scarcely be accounted for, above all, because the unflattering picture of Gallus painted by Ammianus Marcellinus may well be biased.⁹⁶ It nevertheless can be assumed that Gallus was unwilling to accept the role of an obedient viceroy envisaged for him by Constantius, who expected him to protect the eastern provinces from the Persian king Šabühr II. With this turn of events,

90 Cf. Bleckmann 1999a.

91 Aur. Vict. *Caes.* 42.9–10.

92 On the unclear role of the senior officer Vetranio, who perhaps on the initiative of the *augusta* Constantina only pretended to aspire to the purple, and who already in 350 renounced his position as emperor—a highly unusual procedure which itself requires an explanation—see Bleckmann 1994.

93 Blockley 1972.

94 Zonar. 12.33. This question already appears to have played a role in 337; cf. Rosen 2006, 49–50.

95 PLRE 1, 224–225.

96 Tränkle 1976.

Constantius' attempt to prevent conflict between co-rulers by appointing Gallus to the clearly subordinate position of *caesar* had failed.

The fact that Gallus' brother Julian, despite the considerable mistrust in which he was held by the *augustus*, was himself raised to the rank of *caesar* soon after Gallus' death, only underscores the dilemma. Even after his unhappy experiences with Gallus, and with some hesitation, the emperor saw simply no alternative. Constantius needed to give his attention to the Persian front, but he could not leave the West, where usurpations threatened, without a representative of the imperial family. He could not have anticipated that these threats would collapse as quickly as that of Silvanus, who was killed in Cologne by his own men in the autumn of 355.⁹⁷ Only weeks after these events, Constantius elevated Julian to *caesar*. Like Gallus before him, Julian was watched by men faithful to his cousin,⁹⁸ but again as with Gallus, this did not prevent conflict from escalating. It is of secondary importance whether Julian himself provoked his acclamation as *augustus* by the Gallic legions in 360.⁹⁹ The usurper certainly wanted to avoid civil war against his cousin—not least because he must have had little hope of victory—but he was not willing to renounce the rank of *augustus*. An amicable settlement was impossible, and only Constantius' death in 361 forestalled armed conflict. Aurelius Victor must have had the two ambitious *caesares* in mind when he complained that the evil consequences of an unclear hierarchy in the imperial college were easy to see in the internecine conflicts that raged in his day.¹⁰⁰

Julian's efforts to strengthen the charismatic basis of his rule are noteworthy.¹⁰¹ This was in effect an attempt to justify a hierarchy, an attempt that shows that the meritocratic principle had not been forgotten. Julian's fateful commitment to the Persian war can also be seen within this context: as victor over the Great King, he would have enjoyed incomparable *auctoritas*. At the same time, the descendant of the *divus* Constantius clung to the principle that only an immediate family member would inherit the purple, as if this were self-evident: "It is the custom to hand down the succession to a man's son, and all men desire to do so."¹⁰²

97 Cf. PLRE 1, 163; Amm. Marc. 15.5.15–31; Aur. Vict. *Caes.* 42.14–16.

98 On the control of Gallus, cf. Zos. *Nea hist.* 2.48.5; Athan. *Apol. Const.* 3. On Julian's desire to pursue an independent policy, cf. Amm. Marc. 20.8.14.

99 Of course, Julian could have refused the acclamation; cf. Rosen 2006, 178–185. On the reception of the acclamation, cf. Wiemer 1995, 28–35.

100 Aur. Vict. *Caes.* 39.29.

101 Julian early emphasized the special significance of ἀρετή (i.e., *virtus*) for a ruler; Iul. *ad. Them.* 255d–257s; cf. Stenger 2009, 135–165. Aurelius Victor already recognized that inherited natural qualities were worthless if the *principes* did not display traits such as affability and education; Aur. Vict. *Caes.* 40.13.

102 Iul. *Caes.* 334d (trans. Wright 1913).

The problem of usurpation by pretenders from outside the ruling dynasty, such as Magnentius or Vetricianus, was not new, but merely a reversion to pre-Tetrarchic conditions. What was new, however, was the escalation of rivalry and conflict within the dynasty. This was a direct consequence of the combination of the concepts of joint rule by a college of emperors and the dynastic principle, and this problem became particularly evident in the generation after Constantine. Whether Julian had intended to share power with his distant relative Procopius must remain unknown, though it is unlikely.¹⁰³ Procopius could probably claim no imperial ancestor, and as a usurper in 365 ostentatiously advertised his relationship to the Constantinian dynasty.¹⁰⁴ It is likewise impossible to say what solution Julian might have chosen in order to meet the obvious need for at least two emperors in the empire, any more than we can say what his short-lived successor, Jovian, would have done.

Immediately after his accession to the throne in 364, Valentinian I named his brother Valens as second *augustus*. Valens could not claim any imperial ancestors and so seems to have accepted a position subordinate to Valentinian, his *auctor imperii*.¹⁰⁵ This stable situation gave the usurpation attempted by Firmus, the *dux Mauretaniae*, no chance of success.¹⁰⁶ The brothers, who would never meet again, seem to have agreed upon a relatively clear territorial division of responsibilities.¹⁰⁷ Yet this could not prevent the buildup of tension immediately after Valentinian's death in 375 between his son Gratian and the latter's uncle, Valens. This probably led to the catastrophe of Adrianople three years later, where Valens, driven to recklessness by his rivalry with Gratian, was killed.¹⁰⁸ Once again, contention for pre-eminence between blood-related emperors had seriously weakened the Imperium Romanum. Faced with military threats, Gratian then broke with customary practice: his half-brother Valentinian II was too young to be effective, and so for the first time in many years, Gratian elevated an experienced commander, Theodosius I, to *augustus*.¹⁰⁹ Theodosius

103 PLRE 1, 742–743; cf. Lenski 2002, 68–115.

104 Amm. Marc. 26.7.10. Following his death in May 366, his relative Marcellus continued the usurpation, allowed himself to be acclaimed emperor (Amm. Marc. 26.10.3–5), and died soon thereafter (Zos. *Nea hist.* 4.8.3–4).

105 Lenski 2002, 32. Valens displayed reserve in his religious policy as long as his brother was alive (Oros. *Hist.* 7.32.6).

106 Zos. *Nea hist.* 4.16; CIL 8.5338.

107 Bleckmann 2004, 76.

108 Lenski 2002, 355–368; Heather 2005, 178–179; cf. Eunap. *fr.* 42 (Blockley).

109 This explanation also occurs in the sources: cf. *Chron. Gall.* a. 452 (ad ann. 379): *Gratianus parvulum fratrem habens regni [!] consortium probatae aetatis virum Theodosium in societatem regni [!] asciscit*. (“Because Gratian only had a quite young little brother as co-ruler, he took a man of proven age, Theodosius, as co-ruler.”) On child-emperor rule in the Roman West, cf. McEvoy 2013.

subsequently sought a connection with the dynasty by marrying Valentinian's sister, Galla.

When Gratian was defeated by the usurper Magnus Maximus in 383,¹¹⁰ Theodosius decided, like Constantius II before him, not to recognize the western pretender as his co-ruler.¹¹¹ The ensuing civil war ended only in 388 at a high cost to the empire. Significantly, Theodosius did not attempt to eliminate Valentinian II, the last legitimate emperor of the dynasty. The famous *Missorium* of Theodosius shows, however, that he marginalized the notional *senior augustus*.¹¹² The political constellation that took shape after the death of the young Valentinian, who was unable to emancipate himself from his *magister militum*, Arbogast,¹¹³ doubtless ensured that Theodosius would send neither of his two sons to the West. In 392, Eugenius filled the power vacuum, and although he energetically sought recognition from Theodosius, the latter took the field against his dynastically unrelated rival.¹¹⁴

When Theodosius lay on his deathbed shortly thereafter, the arrangements he had made for the succession showed notable consistency. His sons Arcadius and Honorius had already been named *augusti*, and by assigning half of the empire to each of them Theodosius acted entirely within the tradition of his predecessors. Even after 395, the Imperium Romanum remained formally united. Yet because the two emperors were still very young, they enjoyed no *auctoritas* of their own and, at least in their early years, depended on their respective courts. As time passed, however, an increasingly marked delineation of their respective competences crystallized. This was above all a consequence of the inability of either court to dominate the other. The dynastic principle now functioned, once the spheres of authority had been determined around 410, to unite the two halves of the empire, irrespective of any rivalry, which had prevailed particularly during the lives of Arcadius and Stilicho.¹¹⁵ The imbalance that repeatedly had resulted from the occasional division of the empire into three spheres¹¹⁶ yielded to the growing economic and military dominance of the East, which emerged ever more clearly as military catastrophes and civil strife struck the West from 406.

110 Prosp. *ad ann.* 384.

111 Baldus 1984b. Maximus raised his small son Flavius Victor in 384 as *augustus* (*Epit. de Caes.* 48.6). Theodosius initially had coins minted in Constantinople with the motif DN MAXIMVS PF AVG (RIC 9 Constantinopolis 83d).

112 Kolb 2001, 220–225.

113 Zos. *Nea hist.* 4.53; cf. Croke 1976; Börm 2010, 171–172.

114 Leppin 2003, 205–220.

115 Zos. *Nea hist.* 5.26.2; Sozom. *Hist. eccl.* 9.4.2–4; cf. Mitchell 2007, 89–93.

116 Bleckmann 2004.

The meritocratic principle never disappeared from public discourse, even though the dynastic principle now prevailed; and it could be reactivated. Thus, on the one hand, at the end of the century, in 398, Claudian observes in his panegyric for Honorius that the emperor had received life and the empire on one and the same day.¹¹⁷ At the same time, however, he puts words into the mouth of Theodosius I to the effect that, in contrast to the hereditary monarchy of Persia, outstanding *virtus* was still expected of a legitimate Roman emperor: “Very different is the state of Rome’s emperor. ’Tis merit, not blood, must be his support.”¹¹⁸ At least in theory, then, the personal quality of the Roman emperor was appreciated alongside his descent.¹¹⁹ It is scarcely a coincidence that Claudian presented this notion at a time when rivalry between Milan and Constantinople threatened to escalate: if Honorius, the younger brother, was to claim precedence, the dynastic argument would have been inappropriate.¹²⁰

PERSPECTIVES: THE FIFTH AND SIXTH CENTURIES

In the two centuries after Theodosius I, no emperor had more than one natural son, and many died childless. It was mere biological chance that hindered further destabilization of the Roman empire through inner-dynastic conflict. When Honorius died in 423, his nephew Theodosius II—after some hesitation—intervened in the West.¹²¹ The western pretender Ioannes,¹²² was not recognized in Constantinople. Instead, Theodosius raised the young Valentinian III to the rank of *caesar* in 424 and sent him to Italy with an army, where a year later he ascended the throne as *augustus*. Several years previously, Theodosius II had explicitly refused to recognize the elevation of Constantius III.¹²³ According to

117 Claud. *IV cos. Hon.* 8.160–161: *vitam tibi contulit idem imperiumque dies* (“The day that gave you birth gave you the empire”).

118 Claud. *IV cos. Hon.* 219–220 (trans. Platnauer 1922).

119 Almost contemporaneously, Synesius also expected proven military competence of the emperor in his *De regno* (20–21); cf. Hagl 1997, 63–102.

120 It is probably no coincidence that Honorius was the last emperor to celebrate triumphs in Rome, in 404 over the barbarians, and evidently again in 416–417 over the usurper Attalus (Prosp. *ad ann.* 417). His brother and rival Arcadius celebrated a triumph in Constantinople in 400 over Gainas. Perhaps Honorius’ transfer of his seat to Ravenna should be seen within this context, namely, that the city should, in competition with Constantinople, become the center of the Theodosian dynasty in the West. On the western Roman empire and the civil wars of the fifth century, cf. Börm 2013.

121 On Theodosius II, under whom the gradual process of making Constantinople “Greek” began, cf. Millar 2006. In the sources, he is depicted as weak and dependent; cf. Prisc. *Fr.* 3 (Blockley); Theoph. *Chron.* AM 5941.

122 Procop. *Hist.* 3.3.6–7.

123 PLRE 2, 321–325; cf. Lütkenhaus 1998.

Olympiodorus, another civil war threatened to erupt between East and West.¹²⁴ However, Constantius III died before the conflict could escalate, and Theodosius II does not seem to have harbored the same reservations against Constantius' son, Valentinian III, who like himself was a grandson of Theodosius I.

The eastern emperors interfered in the West persistently until the seventh century.¹²⁵ The increasing weakness of the Hesperium Imperium prevented Valentinian III in turn from influencing the succession of the eastern emperor in 450. Theodosius II had left behind neither a son nor a co-ruler. The new *augustus*, Marcian (450 to 457), strove to associate himself with the dynasty after his elevation by marrying Pulcheria, the daughter of Arcadius.¹²⁶

We cannot know whether it would have been possible to pass over a direct descendant of an emperor for the succession after 457, since no such situation occurred—but it is unlikely.¹²⁷ Leo II succeeded his grandfather Leo I, albeit for only a few months, and in turn was succeeded by his father Zeno, who was declared co-emperor days after the death of his father-in-law.¹²⁸ Zeno's brother Flavius Longinus, *magister militum* and consul, however, did not get his own turn in 491. His attempt to seize the throne by force failed.¹²⁹ Anastasius, the new *augustus*, secured his own position by marrying the widow of his predecessor.

The death of Anastasius in 518 illustrated two things: the accession of Justin I showed on the one hand that the three adult nephews of the emperor could be passed over;¹³⁰ on the other, it became clear that this maneuver was problematic. Flavius Hypatius in particular, the most prominent and powerful of the nephews, played an important role over the next fifteen years, until he died as a usurper during the Nika Riot in 532.¹³¹

Procopius of Caesarea attests how immensely important the dynastic principle was in the sixth century. Not only does he observe that the three nephews of Anastasius were marginalized by Justin in reference to the succession of 518,¹³² but he also reports the decision of the Persian Great King Kabad I to

124 Olympiod. *fr.* 33 (Blockley).

125 Cf. Moorhead 2001.

126 Evagr. *Hist. eccl.* 2.1; cf. Burgess 1993/1994. As under the Severan and Constantinian dynasties, imperial women also played an important part; cf. Holum 1982, 208–209. Valentinian III regarded Marcian initially as a usurper and recognized him as co-emperor only in 452 under pressure from Aëtius.

127 Flavius Marcianus, grandson of Marcian and son of Anthemius, however, attempted unsuccessfully to seize power in the East in 479.

128 Evagr. *Hist. eccl.* 3.1; cf. Mitchell 2007, 114–115.

129 PLRE 2, 668.

130 The *Anonymus Valesianus II* preserves an anecdote that attempts to legitimize this process as a divine decision; cf. Anon. Val. *Origo Const.* 13.

131 Cf. Greatrex 1996.

132 Procop. *Hist.* 1.11.1.

have his son Khosrau adopted by Justin I.¹³³ According to Procopius, however, the *quaestor sacri palatii* Proculus had vehemently objected to the plan: “By nature the possessions of fathers are due to their sons and while the laws among all men are always in conflict with each other by reason of their varying nature, in this matter both among the Romans and among all barbarians they are in agreement and harmony with each other, in that they declare sons to be masters of their fathers’ inheritance.”¹³⁴

Since the Roman empire was also passed from father to son, so Proculus allegedly continued, by a fully legitimate adoption the Sasanian prince would also possess a claim to the succession in the Imperium Romanum. According to Theophanes Confessor, this argument convinced the senate.¹³⁵ The episode illustrates how Procopius and many of his contemporaries thought. In their eyes, the Roman monarchy could be passed down at least from father to son.

Leo I, Anastasius, and Justin I had each shown by their accession, however, that sons-in-law, brothers, and nephews of deceased *augusti* definitely could be overlooked in the succession, at least when they had not been elevated to *caesar* by the deceased. None of these three rulers could claim descent from an emperor. In Constantinople, the dynastic principle had therefore become only one of several legitimizing strategies. Justinian, for example, appealed above all to the concept of rule ἐκ θεοῦ,¹³⁶ while the ceremony of the elevation of an emperor demonstrates that the alleged *consensus universorum* was as essential then as it had been before.¹³⁷

Emperors died without having ensured the succession by appointing a co-ruler with surprising frequency—in 450, 457, 491, 518, and 565. None of these emperors left behind a son: just as in the case of earlier *principes*, one is inclined to suspect that these emperors preferred to risk conflicts after their deaths than to be marginalized as “lame ducks” by a co-ruler during their lives.¹³⁸ Justin I, apparently who elevated Justinian as *caesar* exceptionally early and designated him as his successor, is depicted in the sources as his nephew’s puppet, probably not by coincidence. Leo I, on the other hand, liquidated his own *caesar* Patricius and the latter’s powerful father, Aspar, in 471.¹³⁹

133 Cf. Börm 2007, 311–317.

134 Procop. *Hist.* 1.11.18 (trans. Dewing 1914).

135 Theoph. *Chron.* AM 6013.

136 Meier 2003a, 115–136. Justinian, although nephew of an *augustus*, could only claim dynastic legitimation with difficulty, as this should equally have applied for the nephews of Anastasius, who had not been considered in 518.

137 Cf. Trampedach 2005; Canepa 2009, 8–11.

138 The expectation of the anonymous *Dialogus de scientia politica* (5.162–167), dating from Justinian’s reign, is conceivably to be understood against this background. The author suggests that an ideal emperor should either abdicate at the latest when he is 57, or designate a co-ruler as his successor.

139 Malal. *Chron.* 14.40; Marc. Com. s.a. 471; Evagr. *Hist. eccl.* 2.16; Iord. *Rom.* 338; cf. Croke 2005.

The first *augustus* after Theodosius I who had not merely one but several sons was Maurice. The eldest son, Theodosius, was to be emperor in Constantinople; the second, Tiberius, was to reside in “old Rome.” The other brothers were to assist the eldest two and to govern “the remaining regions.”¹⁴⁰

We may reasonably infer from the dry report of Theophylact that Theodosius was to rule the East as *senior augustus* and Tiberius the West as *iunior augustus*, supported by their younger brothers as *caesares*.¹⁴¹ We can only speculate whether Maurice’s plan would have led to rivalry between his sons, as had occurred after Constantine’s death. The violent death of the emperor and all of his sons in 602 rendered the plan obsolete. It is doubtful, though, that a college of brother emperors would have succeeded this time.¹⁴²

CONCLUSION

The Constantinian (re-)turn to the dynastic principle and succession based on blood relations, which promised a direct descendant of an *augustus* a claim to the throne, was ultimately permanent. The fact that emperors’ sons were the most natural successors to their fathers was not in itself new, as a glance at the Principate has shown. At least formally, late-antique *augusti* who wished to establish a candidate of their own choice as successor still needed to elevate him to co-ruler in their own lifetime. The meritocratic principle continued to matter. Yet at the same time, the sources demonstrate clearly that the belief that the natural children of an emperor were born rulers and the empire was their κληρος gained considerable prominence with Constantine.

The real innovation of Constantine, however, lay not in strengthening the dynastic principle. Far more significant was the association of the Diocletianic model of a college of emperors with the concept of a hereditary monarchy.¹⁴³ The model of the Tetrarchy had been effective because the *auctoritas* of the *senior augustus* was respected. This was not the case within a college of rulers in which the dynastic principle, but neither primogeniture nor seniority, applied. Whether an emperor appealed primarily to dynastic legitimacy or to charisma depended on the situation. One solution to rivalries within a

¹⁴⁰ Theophyl. 8.11.9–10.

¹⁴¹ Cf. Shlosser 1994, 70; Börm 2008c, 60–63.

¹⁴² This is suggested by a glance at Constantine IV, great grandson of Heraclius, who in 681 deposed his brothers and co-emperors Tiberius and Heraclius and had them disfigured; cf. Haldon 1997, 68–69.

¹⁴³ Precedents may be found among the soldier emperors (Carinus and Numerianus; cf. Rees 2004, 72); yet the arrangement whereby several dynastically legitimate rulers had to co-operate with one another over the long term appears for the first time in 337.

college of emperors composed of blood relatives was the tendency toward more strictly defined territorial spheres of influence.

Did the dynastic principle as applied by Constantine help to stabilize the contested Roman monarchy? Was the position of dynastically legitimate emperors more secure? At first sight, at least in the eastern empire, this appears to have been the case: between the fourth and the sixth centuries, the number of usurpers in this region—except for a crisis period around 480—remained small. The first pretender in the East who was able to establish himself was Phocas in 602.¹⁴⁴ Insofar as an entirely different picture emerges in the western empire, however,¹⁴⁵ we may doubt whether it was the dynastic principle that really had a stabilizing effect in the East. Usurpers rose repeatedly against the ruling dynasty over the course of the fourth century in the West; ambitious men evidently saw no other path to power.¹⁴⁶ On this evidence, dynastic legitimacy did not protect emperors from usurpers in the least.

Various reasons produced the overall lower number of usurpations in the fifth and sixth centuries. Among other things, it appears to have been significant that powerful men such as Stilicho, Aëtius,¹⁴⁷ Aspar, or Ricimer could hold the reins without being limited by the restrictions to which emperors were subject. At least in the West after Constantius III, the figure of the truly powerful man behind the emperor made it unnecessary for ambitious men to aspire to the purple. A dynastically legitimate but largely powerless *augustus* could sit safely on his throne while real power as *patricius et magister militum*, at least in the West, was open to every ambitious man.¹⁴⁸ It was now for *this* position that there would be competition, as the conflict between Aëtius and Boniface shows.¹⁴⁹

Constantine's cultivation of the dynastic principle was the product of a crisis because it lent him the legitimacy he urgently needed. Constantine's success

144 Cf. Mitchell 2007, 408–410. Basiliscus was able to expel Zeno in 475, but Zeno was able to reclaim the throne shortly afterward. Phocas was the first successful usurper in the East since 324; of twenty-one generally acknowledged emperors between 602 and 820, on the other hand, only five died a natural death; cf. Wickham 2009, 257.

145 There were numerous usurpation attempts in the West in the fourth and fifth centuries, which were certainly caused in part by considerable military threats. Unlike the third century, though, after Constantine no pretender succeeded in achieving general legitimacy and acceptance, and incessant civil war eventually led to the fall of the western empire; cf. Börm 2013.

146 The large number of usurpation attempts under Honorius already impressed contemporary observers; cf. MGH AA 9, 629–630.

147 Cf. Stickler 2002.

148 On the relationship between the ruler and powerful aristocrats, see Börm 2010.

149 MacGeorge 2002. One is reminded of the later Merovingians, whose dynastically legitimate king was eventually dominated by his *maior domus*; cf. Einhard *Vit. Carol. Magn.* 113 (nonetheless probably a distorted depiction; cf. Moorhead 2001, 84).

helped this way of thinking become entrenched. Over the long term, however, the greater importance attached to *consanguinitas* destabilized the monarchy, which would be undermined repeatedly by dynastic conflict. Emperors who claimed legitimacy primarily through their descent always found it difficult to accept the priority of a family member. This was a structural weakness. The importance attached to the dynastic principle by Constantine ultimately weakened rather than strengthened the empire, because its transformation into a hereditary monarchy remained incomplete. The confinement of government to a single family was never entirely accepted; then, as before, there were no incontestable criteria for the succession, nor could there be.

To summarize: the dynastic principle had played an important role in the Roman empire from the time of Augustus on. For various reasons, though, Rome never formally became a hereditary monarchy. Between the third and the fifth centuries, at least two emperors were always needed in the Imperium Romanum—at least one *augustus* and one *caesar*. Constantine I made a virtue of necessity and turned the dynastic principle into an essential element of his imperial legitimation. From his death in 337 until 450, all imperial colleges were composed of blood relatives. While it is true that some soldier emperors had also made their sons or brothers co-rulers, these men had not inherited power: instead, they owed it to an *auctor imperii*. After Constantine, however, most rulers could claim emperors among their forefathers, and so rival claimants regularly came to blows. Rome remained a monarchy under colleges of emperors, but there could never be absolute or effective equality between the emperors: there always had to be one man with supreme *auctoritas*.¹⁵⁰ The conflicts that arose in the fourth century between blood-related rulers and the attempts by able men outside the imperial family to seize power weakened the Roman empire considerably. Through the fifth and sixth centuries, the dynastic principle remained dominant but was not successfully institutionalized; but the absence of a clearly regulated succession resulted in instability then, as it had before.

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¹⁵⁰ Cf. Szidat 2010, 46–58.

Performing Justice

The Penal Code of Constantine the Great

CHRISTIAN REITZENSTEIN-RONNING

THEMES AND METHODS

A PENAL CODE IS ONE OF THE MOST SENSITIVE POINTS OF interaction between the political system, legal system, and mentality of a society.¹ Its catalogue of punishable offenses, the character of the punishments to be imposed, and not least the textual legitimation strategies of this sphere of state authority give us insight into the self-understanding of a society and its prevailing anxieties and traumas. Thanks to comparatively good source material, this is also true for the Imperium Romanum in the fourth century after Christ, the penal legislation of which can be traced under the relevant *tituli* of the late-antique law codes—in particular, Book IX of the *Codex Theodosianus*. It is more difficult, however, to penetrate through the normative rhetoric in which the subject matter is typically embedded to an empirical understanding of the actual degree and frequency of violence in late-antique society. We often lack reliable evidence for the nature and the prevalence of criminal activity in this period, as well as for actual penal practice, while such evidence as we do possess is extremely difficult to interpret: the *res gestae* of Ammianus Marcellinus with their vivid scenes of torture and executions stand at the center of attention in this context. Yet Ammianus, like the imperial historians in general,² was more interested in scenes of exceptional violence committed by individual governors or at politically motivated trials than in the everyday business of the courts. The same is true, *mutatis mutandis*, of the second important group of literary sources, namely, Christian authors, who tend to emphasize the brutality of the persecutions and the heroic suffering of the martyrs.³

This chapter is not about quantifying levels of criminality and the measures taken to combat it.⁴ I propose rather in this chapter to view late-antique penal

1 Similarly observed by Dupont 1953–1955, vol. 1, 7, with reference to Geib 1842, 1–2.

2 For a discussion of violence in imperial literature, see Zimmermann 2007, 364–366; Zimmermann 2006, esp. 352–357; Callu 1984.

3 The literature on this is extensive; cf., e.g., Potter 1993; see also, e.g., Binder 2005.

4 See the wide-ranging treatment by Krause 2009.

law as a discursive entity, the primary function of which is to formulate its own ideal vision of society. Penal law imagines a “just” world and at the same time devises appropriate means of achieving that ideal.⁵ It therefore reflects a process of negotiation within society over what “good order” is and how it should be established and structured. As a model, penal law necessarily is in conflict with everyday reality. Nevertheless, the empirical dimension neither can nor should be excluded: if the cosmos of norms becomes too remote from the lived experience of its addressees, at some point those norms will prove to be irrelevant or illegitimate. Norms must be visible and palpable, even in a literal sense.⁶ To this extent, the exemplary, ritual punishment of breaches is always integral to conceiving and establishing “good order.”

I examine in particular how penal legislation, as a central construction of social discourse and practice,⁷ contributed to the development and justification of a monarchical order in the fourth century. Accordingly, the following areas stand at the center of attention: (1) the promulgation⁸ of pertinent norms; (2) the public nature of trials; (3) the ritual infliction of punishment in public; and (4) the rhetorical underpinnings of the authority of the state to enact law, including the linguistic embellishment of imperial constitutions.⁹

5 In contrast to the reasonably static area of private law, late-antique criminal law shows significant further development, that is, government activities are reflected more vividly in this area of law; cf. Honoré 2004, 109.

6 Cf. Popitz 2006, 69: “Von der Geltung einer Norm wollen wir erst dann sprechen, wenn ein Abweichen von solchen erwarteten Regelmäßigkeiten Sanktionen gegen den Abweicher auslöst, etwa demonstrative Mißbilligung, Repressalien, Diskriminierung, Strafen.” Further at p. 71: “Entscheidend ist, ob bestimmte Verhaltensweisen gegen offenkundige Abweichungen geschützt werden – und zwar nicht nur durch diejenigen, die eventuell unmittelbar Schaden erleiden. Entsprechend ist der Grad der Geltung sozialer Normen auch nicht allein von ihrer Befolgung abhängig, sondern (ebenso) auch vom Grad der Bereitschaft, die entsprechenden Schutzfunktionen zu vollziehen; von der Bereitschaft, den Anspruch auf dauerhafte Verbindlichkeit gegen den Normbruch durchzusetzen.”

7 See what has meanwhile become a classic text: Foucault 1994.

8 Copies of constitutions were received in the cities of the empire with an elaborate ceremony, honored, publicly read, and displayed; cf., e.g., Augustin. *Ep.* 88.2 (*scripta coelestia Maiestatis vestrae accepta atque adorata*); *Cod. Theod.* 4.6.2–3 (public reading in Carthage); *Const. Sirmond.* 16 (*et ne quis contumaciae suae culpam praecepti ignorance tueatur . . . illustris magnificentia tua legis tenorem litteris suis edictisque propositis ad omnium iudicum et provincialium notitiam faciet pervenire . . . cum saluberrimae sanctionis executionem deferri ab omnibus quidem, sed iudicum maxime et officiorum cura obsequioque iubemus*); Ioh. Chrys. *Hom.* 14 in *Gen.* (PG 53, 112). See here especially Matthews 2000, 168–199.

9 Here, too, the reign of Constantine is particularly significant, since, among the surviving legal texts, an above-average number of edicts have been preserved from these years. Among the genres of published legal texts, edicts were directed primarily at a broad readership amongst the lay public, and this fact called for a more conspicuous literary-historical style in Constantine’s criminal legislation, as opposed to a sober, legal style. Fundamental on this aspect is Vernay 1913; also, Volterra 1959. Volterra’s suggestion, however, that Constantine’s constitutions depart from the conventional chancery style

Since the 1960s, late Roman criminal law has increasingly been the subject of sociohistorical research.¹⁰ Within that context, a number of scholars have maintained that in the transition from the High Empire to Late Antiquity, sanctions against breaches of norms became much harsher, even outright brutal.¹¹ The alleged change was traced in two areas: on the one hand, a range of crimes were now found to be punished by aggravated forms of execution yet had been non-capital in the first and second centuries AD or at least had carried a more decent form of death, such as *decapitatio*; on the other hand, late-antique criminal law seems to neglect once crucial distinctions between social groups, namely, meting out the same harsh penalties to the free population as to slaves and freedmen.¹² More recent approaches, however, emphasize a considerable gap between written criminal law and actual penal practice. In addition, even on the level of legal *texts*, the decisive development toward a rigid criminal code had already occurred between the second and the third centuries, while in Late Antiquity the pendulum swung in the opposite direction. As to penal practice, the number of executions effectively decreased during this period, and harsh punishments such as *damnatio ad bestias* and crucifixion were abolished by the Christian emperors of the fourth century AD.¹³ In contrast to the third century, the distinction between slave and freeborn also regained significance. What remains remarkable is a definite linguistic shift toward a strikingly imaginative phrasing of punishments.

A considerable number of laws relevant to this debate were issued during the reign of Constantine. They concern such diverse matters as the abuse of power by officials of the imperial administration, sexual misdemeanors, and divination. All of these laws appear to impose harsh and creatively cruel punishments and to imagine their execution with a certain delight in the details. This, as well as the frequent absence of juristic precision, has led some scholars to detect behind these rulings not an able lawmaker but a hysterical personality.¹⁴ Despite a certain idiosyncrasy of Constantinian constitutions, such psychological or pathological reasons are difficult to prove. In the following paragraphs, I therefore argue that a pervasive political, if not technically juristic, rationale underlies Constantine's penal legislation. Constantine's explicit statements about the normative objective of his laws can serve as a preliminary orientation

because they were composed by Christian clergymen is scarcely persuasive (cf. Grubbs 1993, 128–130); Voss 1982, 39–72; Honoré 2004, 117–119.

10 Garnsey 1968; Garnsey 1970.

11 MacMullen 1986; Liebs 1980; Liebs 1985.

12 See the evaluation of Grodzynski 1984a.

13 So, above all, Krause 2009, 323–324, 345–348; cf. Rieß 2002; Robinson 2000.

14 See esp. Liebs 1985, 98–99, 113.

for the evaluation of the sources. Thereafter, I focus on the motivations for the punishments, including indications about the form and degree of the penalties, and the means of implementing them. Finally, I consider clues in the text of the constitutions that suggest a comprehensive political concept and their historical context. Admittedly, this investigation can only represent a summary. Unavoidable hermeneutical difficulties are caused by the selection criteria of late-antique compilers, which are not always transparent or intelligible. We can assume neither that Constantine's legislation as such has been transmitted in its entirety nor that the surviving constitutions have been copied completely.¹⁵ Still, the extant fragments exhibit such an observable tendency that the conclusions drawn on that basis may be considered reasonably reliable.

THE PUBLIC NATURE OF TRIALS AS DIALOGUE BETWEEN
EMPEROR AND PEOPLE: THE EXAMPLE OF THE MISUSE
OF PUBLIC OFFICE

The principal responsibility of late-antique provincial governors was to uphold the law; for this reason, sources often designate them simply as *iudex*. At the same time, approximately one third of the laws included in the *Codex Theodosianus* and the Novels address misuse of office by governors or their staff (*officium*).¹⁶ Reflecting the range of their duties, these laws include faults such as delaying trials, corruption, and the partiality of judges. A large number of these decrees once again date from the reign of Constantine and so reflect a significant emphasis of his legislation. The penal legislation he authored was therefore primarily addressed to the imperial administration and thus directed internally. That is, in addressing these *crimina*, the justice system in a sense conducts a discourse about itself. These findings require an explanation. If the number of relevant decrees in the *Codex* even remotely reflected the extent of problems, an orderly administration would be all but inconceivable. This cannot have been the case; recent research, on the contrary, assumes that the late-antique administration shows even greater compliance with the law and competence than in preceding centuries.¹⁷ In the following analysis of several relevant rulings, I therefore consider alternative factors that might account for the prevalence of misuse of office in Constantinian criminal law.

¹⁵ Matthews 1993. See also now Humfress 2006.

¹⁶ Noethlichs 1981, 181, 228.

¹⁷ Harries 1999a; Harries 1999b, 153–171; Honoré 2004, 122–124.

In September 325, a constitution of Constantine's was published in Nicomedia that was addressed to all provinces (*ad universos provinciales*).¹⁸ In heavily rhetorically colored language, Constantine invites subjects of all classes to report directly to him all lapses of the administration. Anybody who could substantiate his allegations (*si . . . aliquid veraciter et manifeste probare posse confidit*) should present himself to Constantine without fear (*intrepidus et securus accedat, interpellat me*). Constantine then pledges to take care of such complaints personally: he will initiate an inquiry and if necessary also take personal "revenge" on his officials, who have failed in their duties, the *iudices, comites, amici vel palatini*. Once more, he insists: *si probaverit, ut dixi, ipse me vindicabo de eo, qui me usque ad hoc tempus simulata integritate deceperit, illum autem, qui hoc prodiderit et comprobaverit, et dignitatibus et rebus augebo*.

Successful complainants were thus promised material rewards and a promotion of their social status. Above all, Constantine regarded any kind of dereliction of duty as disloyalty to himself, that is, as an intentional deception (*simulata integritas*). In this way he characterizes the fault as a personal conflict between the emperor and his ostensible "friends" at all levels of the administration. Attacks on the provincial population appear in this light as a kind of "family drama" between the emperor and the men to whom he had entrusted parts of his empire to manage honestly. In any case, Constantine gives a soteriological dimension to this matter: in his concluding words, he conveys that, by taking action, he desires to preserve the continuous goodwill of the highest divinity toward himself and the state.¹⁹

Beside these very emphatic expressions of the legislator's aims, the substance of the constitution seems surprisingly imprecise. The crimes themselves are unspecified, denoted vaguely only by the formula *quod non integre adque iuste gessisse videatur*. Despite the rhetorically expressive threats, no precise punishment can be identified: Constantine quite simply contents himself with the announcement of imperial vengeance. The tone of the constitution and its presumably intentional lack of details allow us to assume that the entire text belongs in the pre-juristic sphere and has its context within the political realm. The emperor evidently deemed the cold rationalism of a lawyer unsuitable here. The impression of emotional disappointment and personal annoyance,

18 *Cod. Theod.* 9.1.4. See here Liebs 1980, 138–141. While I was working on the final English version of this paper, the fine study by John Noël Dillon on "The Justice of Constantine" came out; thus, see now Dillon 2012, esp. 97–107; cf. also the Theodosian law, *Cod. Theod.* 9.27.6.

19 *Ita mihi summa divinitas semper propitia sit et me incolumem praestet, ut cupio, felicissima et florente re publica.*

which permeates the entire text, was rather a component of a predominantly political message.

Six years later, in 331, another decree was issued from Constantinople to the provinces, comparable in tenor with the earlier text. Here again, the rhetorical coloring is immediately apparent: *cessent iam nunc rapaces officialium manus, cessent inquam: nam si moniti non cessaverint, gladiis praecedentur. non sit venale iudicis velum, non ingressus redempti, non infame licitationibus secretarium, non visio ipsa praesidis cum pretio: aequae aures iudicantis pauperimis ac divitibus reserentur.*²⁰ With these words, however, the emperor more clearly addresses conduct that was to be punished, namely, the avarice of the *officiales*, who made access to the governor as *iudex* conditional upon appropriate payment. The responsibility of the *praeses* to prevent such abuses and his corresponding liability are emphasized. Yet Constantine's threat of punishment in the preserved form of the text seems as erratic as it is drastic: at the beginning of the decree, the convicted official envisions the amputation of his hands, while at the end, he risks decapitation—*armata censura, quae nefariorum capita cervicesque detruncet*.

It remains unclear whether this ambiguity results from the decree itself or from the editorial process. If it is the product of editing, there are two alternative explanations of this contradiction: either the original version of the law envisaged a differentiation between possible penalties, so that less serious abuses were punished with amputation while execution was reserved for more weighty crimes; or the imperial edict provided for a compounded death penalty, whereby the hands were to be amputated before or after the execution. In the latter event, the principle of an eloquent symbolic punishment would be enacted: the executioner would exact vengeance from the hands of the corrupt official who had received the extorted payments. On the basis of the general style of the constitution, however, the possibility cannot be excluded that the initial section of the text should be understood, not literally, but metaphorically.²¹ The tone of the law is in any case strongly emotional, even enraged, and it was obviously intentionally composed in order to have a more immediate impact than if it had been juristically exact and sober. Constantine

20 *Cod. Theod.* 1.16.7; cf. Liebs 1980, 134; Liebs 1985, 102–103; Noethlichs 1981, 163; MacMullen 1986, 157; Dillon 2012, 139–146.

21 See also Rivière 2002b, 337–338. A linguistic difficulty also occurs here: the subject of *praecedentur* is not *manus* but rather (*officiales*) *moniti*. The assumption of a punishment of amputation is therefore based upon the hypothesis of a *constructio ad sensum*. Moreover, *praecidi* leaves open in which manner the convicted were to be “shortened.” In general, amputation punishments in Roman law became common only between the fourth and the sixth centuries: Patlagean 1984, esp. 412–414; cf. Manfredini 1988.

doubtlessly attached considerable importance to the visual evocation of punishment in the minds of his audience.

As with the earlier law, so also here, the people are invited to report relevant abuses, in this case not to the emperor personally but instead through the official channels of the *praesides*, *comites*, and finally, the praetorian prefect, in the event—obviously anticipated—that lesser officials were to sweep evidence under the carpet (*dissimulare*).²² Once again, Constantine uses exceptionally vivid language when he describes the voice of protest thereby given to the people (*conquerendi vocem omnibus aperimus*). He specifies that the aim of these measures is to ensure equal opportunity to lodge complaints for all strata of society; rich and poor alike should find a legal hearing without distinction (*aeque aures iudicantis pauperrimis ac divitibus reserentur*). Already in 319, in a decree written (for once) in a very rational tone, addressed specifically to the *praeses Corsicae*, Constantine had developed a test procedure for the provincial administration, and in particular for the courts: every six months, the records of proceedings were to be sent to the *comites* or praetorian prefect, where they were to be examined. Residents in the provinces were also permitted to name members of the *officium* who had conducted their duties in an avaricious or negligent manner. Those who were found to have been prejudiced or corrupt in handing down court decisions were to be fined.²³ In all of these cases, it was a matter of articulating the emperor's express disapproval of such abuses, as well as of attempting to discourage such practices by imposing severe penalties. In order for these laws to be operative, however, there obviously needed to be a private *accusator*. Such people were apparently hard to find: provincial residents of lower social status lacked the material means and probably also the education, experience, and confidence to pursue such a prosecution effectively. As we shall see, the regional elites themselves were often involved in the illegal activities of governors and their staffs. The establishment of a more public juridical procedure seemed to be the only possible solution to this dilemma.

The same law that stipulated the above-mentioned threat of amputation (*Cod. Theod.* 1.16.7) for *officiales* who forgot their duty also established that all trials, whether civil or criminal, were to be public, ostensibly to prevent favorable decisions from being purchased (included separately as 1.16.6). Specifically, this law prescribes the use of tribunals instead of the *secretarium*,

22 Cf. also *Cod. Theod.* 1.5.1 (325): *Edicto omnes provinciales monemus, ut, si interpellantes proprios praesides contempti fuerint, gravitatem tuam interpellent, ut, si id culpa vel neglegentia praesidum admissum esse constiterit, ilico ad scientiam nostram referat gravitas tua, quo possint congrue coerceri.*

23 *Cod. Theod.* 9.16.3; Noethlichs 1981, 173.

and the attraction of a substantial public audience by means of a herald.²⁴ All officials, from the lowest-ranking to praetorian prefects, are further obliged to report acclamations concerning the juridical activities of governors to the emperor: both complimentary and unfavorable reports were of equal interest to the emperor so that he might evaluate the performance of the *iudices* fairly. Constantine once again declares that he would personally attend to these matters (*diligenter investigabimus*).

Acclamations had indeed played a central role since early in the imperial period, particularly in the senate house, army camp,²⁵ arena, and circus.²⁶ Within this context, the people were periodically able to exercise strong influence on the decision-making process, so that community leaders (and also the emperor himself) were repeatedly compelled to yield to the orchestrated wishes of the *plebs*, or did so for opportunistic motives.²⁷ Acclamations were thus not unproblematic. This fact is illustrated by a constitution of the Byzantine emperor Leo issued in 466. He was concerned by the potential of mass demonstrations to deteriorate into public disturbances, which in his words could verge on *tumultus*. Leo therefore thought that they should be confined to purely ceremonial, affirmative occasions: *in nullis locis aut civitatibus tumultuosis clamoribus cuiusquam interpellatio contumeliosa procedat nec ad solam cuiusquam invidiam petulantia verba iactentur*.²⁸ Leo's law was correctly placed by the compilers of the *Codex Justinianus* under the title *de seditiosis et his qui plebem audent contra publicam quietem colligere*. It particularly addresses disturbances on the local level, in which choruses of abuse similar to Charivari or the so-called "cat music" constituted a kind of people's court.²⁹ They represented a popular form of the moral discrediting of political and social lapses, especially by members of the social elite. In the eyes of officials, however, such exposure of respectable individuals to ridicule could potentially threaten the social order.³⁰

24 Cf. already *Cod. Theod.* 1.12.1 (315): *omnes civiles causas et praecipue eas, quae fama celebriores sunt, negotia etiam criminalia publice audire debebis tertia, vel ut tardissime quarta vel certe quinta die acta conficienda iussurus. Quae omnia legati quoque coercitione commoniti observabunt*. Noethlichs 1981, 165.

25 Cf. *Cod. Theod.* 7.20.2.

26 Alföldi 1970, 79–88; Klauser 1950; Wiemer 2004; Potter 1996, esp. 132–147; Roueché 1984; Krause 2009, 338–341; Dillon 2012, 121–136. For the earlier imperial period, cf. also Flaig 1992, 43–93.

27 Cf. Dio Chrys. *Or.* 32.25 on the *demos* as ἀνὴρ δυνάστης at the local level; Fronto *Ad Marc. Caes.* 1.8 for the relationship of the people to the emperor: *ubique igitur populus dominatur et praepollet. igitur ut populo gratum erit, ita facies atque ita dices*; Suet. *Dom.* 13.1; Cass. Dio 75.4.4, 78.20.2; Hist. Aug. *Comm.* 18.3–19.9.

28 *Cod. Iust.* 9.30.2.

29 See Röcke 2009.

30 Roueché 1984, 197–198. For a telling example from Constantinople cf. Theoph. *Chron.* AM 6024, ed. Carolus de Boor (1883), vol. 1, 181.30–184.1; Al. Cameron 1976a, 319–322; see also Martin 1997, 56. For Edessa: Wiemer 2004, 66–73 (German translation).

A further problem associated with acclamations lies in the extent to which they actually were spontaneous manifestations of the people's will. The authentic character of their cries must be considered as constitutive of their legitimacy. In reality, however, acclamations were often manipulated by powerful *patroni* behind the scenes, who were able to organize appropriately concerted shouting led by professional agitators, which they used to their own ends.³¹ Constantine shows himself to be perfectly aware of such manipulation of popular demonstrations. He emphatically decrees that only "genuine" expressions of the people's will (*verae voces nec ad libidinem per clientelas effusae*) should be forwarded to him. In spite of this proviso, the value of acclamations in Late Antiquity remained undiminished. Constantine's ruling was even confirmed and extended decades after his death: in 371, Valentinian asserted that the right to submit acclamations concerning the activities of governors to the emperor's court numbered among the *antiqua et sollemnia* customs of the Romans, and he made the imperial postal service (*evectio*) available for that purpose.³²

If, however, the authenticity of this form of public expression was exceptionally difficult to determine, and acclamations had a potential for disturbances that was difficult to control, it must be asked why Constantine and his successors continued to accept and to ascribe substantial importance to acclamations. The answer probably lies in the fiction of the immediacy of this medium of communication between the emperor and the people. To the extent that the emperor paid attention to the *voces* of the *plebs*, he demonstrated consideration for his subjects. In this way, he offered the provincial population the possibility of ritualized protest against practices perceived as abuse and at the same time created for himself an additional means of controlling provincial governors. The purpose of Constantine's decree can then be summarized as follows: on the one hand, Constantine sought through the prescribed use of tribunals and heralds to ensure the public performance of penal jurisdiction, and on the other hand, to initiate in the ritual form of acclamations and imperial response an ongoing meta-communication about this area of the administration. Despite the law's supposed limitation to procedural requirements and measures against abuse of office by imperial functionaries, it should be viewed as a central document of the legitimization strategies of monarchical government deployed during the Constantinian period.

In contrast to acclamations made by social groups, Constantine repeatedly insists on the burden of proof in cases of individual complaints. The central terms *probare* and *comprobare* alone occur three times in the extant text of

31 So, e.g., Lib. Or. 45.22, 33.11–12; Amm. Marc. 28.4.33; Wiemer 2004, 54–55.

32 Cod. Theod. 8.5.32; cf. Krause 2009, 340–341.

the above-mentioned constitution of September 325 (9.1.4), which was primarily supposed to facilitate complaints. Perhaps because of this intention, the serious consequences faced by a complainant who lodged false accusations are not made explicit here. In other contexts, there is no comparable hesitation. In a Constantinian law of 319, for example, it is stated that an unsuccessful complainant will be subjected to the same punishment that someone who had been convicted of the crime would have received.³³ In the edict on accusations transmitted in both inscriptions and in the law codes, severe punishment and, as appropriate, even torture is decreed for complainants who cannot substantiate their case;³⁴ once again, repeated emphasis is placed on the burden of proof (*probare/comprobare*). This decree, which was apparently published in both halves of the empire, must have put a damper on hastily conceived complaints.³⁵

In three laws addressed to the *populus*³⁶ or the provincial populations, Constantine also displays a desire to discourage *delatores*.³⁷ Also in this context, he employs highly graphic phrasing: *comprimatur unum maximum humanae vitae malum, delatorum exsecranda pernicies, et inter primos conatus in ipsis faucibus stranguletur, et amputata radicibus invidiae lingua vellatur, ita ut iudices nec calumniam nec vocem prorsus deferentis admittant*.³⁸ The emperor depicts professional plaintiffs as a “plague to be exterminated,” and as a first step in that direction, those who lodged complaints for profit were to be strangled and have their tongues cut out.³⁹ After this rather figurative opening,

33 *Cod. Theod.* 9.10.3: *non ignarus, eam se sententiam subiturum, si crimen obiectum non potuerit comprobare, quam reus debet excipere*; Liebs 1980, 135, 140.

34 *Cod. Theod.* 9.5.1 (excerpts repeated in *Cod. Iust.* 9.8.3); CIL 3.12133, 5.2781; AE 1957.158; I.Cret 1.18.188 = CIL 3.12043; Habicht/Kussmaul 1986; cf. FIRA 1².94: *Quod si minime potuerit ea quae intentaverit conprobare, scire debet severiori [se] sententia subiugandum*. This edict was long held to have been issued by Constantine, but following the work of Ehrhardt 1955 (at 162–163), T. D. Barnes and Simon Corcoran propose attributing it to Licinius (Barnes 1982, 127–128; Corcoran 1993, 115–117), or even Galerius (Corcoran 2004, 65–69); cf. Feissel 1995, esp. 49–51; Rivière 2000; Corcoran 2007. See also *Hist. Aug. Alex. Sev.* 45.6–7, with Liebs 1980, 139–140.

35 In the case of adultery, Constantine even decreed the *vinculum inscriptionis*, that is, false accusers were held fully liable in order to deter premature charges, though in the sphere of private life and possibly motivated by a different estimation of marriage under Christian influence; *Cod. Theod.* 9.7.2 (326): *Nam etsi omne genus accusationis necessitas inscriptionis adstringat, nonnulli tamen proterve id faciunt et falsis contumeliis matrimonia deformant*; cf. *Cod. Theod.* 9.1.5 (320); Liebs 1985, 97; Rivière 2000, 418–420.

36 See generally, on Constantine’s constitutions *ad populum*, Dupont 1971.

37 *Cod. Theod.* 10.10.1–3; see Gaudemet 1980.

38 *Cod. Theod.* 10.10.2; Harries 1999b, 94.

39 This is at least the reading of the fifth-century *interpretatio*. To what extent these punishments—analogous to the apparent amputations to be applied to avaricious *officiales*—should not be understood merely as suggestive imagery, is a legitimate question. In this sense, see already Godefroy ad loc.: *Codex Theodosianus cum perpetuis commentariis Iacobi Gothofredi* (Lyon, 1665), vol. 3, 431; cf. Gaudemet 1980, 1074, and n. 39; Rivière 2000, 410–411; Rivière 2002b, 335–336.

Constantine explicitly orders *delatores* to be punished with death: *sed si qui delator exstiterit, capitali sententiae subiugetur*. Like all emperors, Constantine here walks on a razor's edge, as the origins of the Roman legal system in private revenge and self-defense were still clearly felt. Justice was to a significant degree dependent upon accusations made by citizens and the pursuit of *inscriptiones* by private individuals.⁴⁰

At the same time, political opportunism recognized that the impediments to the lodging of complaints should not be reduced too far: it was undesirable that the courts should be overburdened, and unnecessarily disturbing the populace with accusations they considered unjust was to be avoided. Ultimately, these constitutions thus were intended to nurture a greater sense of security before the law in the general population.⁴¹ This also becomes clear if we consider the historical context of the earliest Constantinian law concerning *delatores* preserved in the *Codex Theodosianus*, from January 313, immediately after the defeat of Maxentius.⁴² In this period of political transition, fear of accusations must have been particularly great. Constantine's decree *ad populum* would then have been programmatic and intended to restore calm.

Just as with misuse of office by provincial governors, *calumnia* and *delatio* were procedural delicts; legislation about them therefore also represents the judicial system addressing itself.⁴³ These three subjects of legislation thus constitute a conceptual unity. We may thus return to the starting point of this part of our discussion and revisit the question as to why this self-referential trait should have been so prominent in late-antique, and in particular Constantinian, criminal law. Our survey of the relevant laws suggests that Constantine did not fundamentally mistrust his officials, but rather imagined that he could resolve these problems by addressing the administrative structure. He seems to have regarded the *officiales* attending the governor as being most susceptible to

40 Harries 1999b, 119–122; Harries 2007, 21; cf. here Constantine's assurance in *Cod. Theod.* 9.16.1 in relation to a complaint against *haruspices*: *accusatorem autem huius criminis non delatorem esse, sed dignum magis praemio arbitramur*.

41 Cf. also Constantine's decree against *libelli famosi* and their potential use in trials (*Cod. Theod.* 9.34.1–4); see here Rivière 2000, 411–418.

42 *Cod. Theod.* 10.10.1: *post alia: de delatoribus iam certa statuimus; quibus si quis contra fecerit, poenam capitale expiet*. In general, Constantine's legislative activity in the decade following his victory at the Milvian Bridge seems to have been particularly high, and a substantial number of constitutions preserved in the *Codex Theodosianus* date from this period; so Gaudemet 1983, 140, 154; Gaudemet 1948; cf. *Pan. lat.* 12(9).20.4, 4(10).38.4.

43 For a discussion as to whether the informing that was criticized in the fourth century should be seen in terms of a general illegitimate use of complaints, or of the special form of tax informing, see Rivière 2000, 408–411; Rivière 2002b, 338–341, with earlier literature. In my opinion, and against the arguments of Rivière, the Constantinian constitutions on the issue of *delatio* reach far beyond fiscal matters; cf. Gaudemet 1980, 1075–1077.

avaritia, *nequitia*, and *gratia* in individual cases, protected or actively encouraged by the governors. At the level of the *comites*, and at the latest at that of the praetorian prefects, on the other hand, he seems to have felt himself on more trustworthy ground. This conclusion can perhaps be traced back to the pressure *iudices* of first instance were subjected to by influential local individuals and social groups. Thus, Constantine declared in 325 in Nicomedia that intermediate administrative officials, namely, vicars, should only be burdened with cases in which a local magnate put pressure on a lower ranking judge.⁴⁴ The practice of *iudicem premere* was obviously not unusual, but neither was it necessarily perceived as a particularly scandalous aspect of late-antique society, with its many hierarchically ordered status groups, in which social rank and public office stood in a tense relationship to one another. Three years later, Constantine speaks in a matter-of-fact tone of weak provincial *praesides* who were unable to assert themselves against *potiores*. Here, too, the use of higher instances of authority is prescribed: the name of the judge's adversary was to be reported to the emperor, or at least to the praetorian prefect, *quo provideatur, qualiter publicae disciplinae et laesis minoribus consulatur*.⁴⁵ Continuity between Constantine's reign and that of his successors can also be discerned in this sphere of legal policy. In 408, Honorius criticized the fact that *honorati* were seen sitting with the governor during a pending trial: the suspicion of improper influence or collusion on the part of these leading personalities who were a party to the trial was too obvious.⁴⁶ Governor, *honoratus*, and *officialis* could each be fined five pounds of gold. The vulnerability of the lower instances of the criminal courts to external influence was clearly a fundamental reason for the high number of constitutions against abuses of office and procedure.

It was especially important for the emperor to address attempts to manipulate trials, because the administration of justice, alongside waging war, was one of the central functions of government. In practice, the emperor found himself mired in an impenetrable undergrowth of personal interests and local networks of power. The attempt of a court to establish the facts of a case could become an impossible task. The everyday reality of the legal system could not be controlled by the emperor and his aides, and yet the *iudices* acted in the name and with the insignia of the emperor; thus the discrepancy between the *bonum et aequum* to be vouchsafed by the emperor and the experienced local

44 *Cod. Theod.* 1.15.1: *post alia: ne tua gravitas occupationibus aliis districta huiusmodi rescriptorum cumulis oneretur, placuit has solas causas gravitati tuae iniungere, in quibus persona potentior inferiorem aut minorem iudicem premere potest aut tale negotium emergit, quod in praesidali iudicio terminari fas non est, vel quod per eosdem praesides diu tractatum apud te debeat terminari.*

45 *Cod. Theod.* 1.16.4; cf. *Amm. Marc.* 15.2.9.

46 *Cod. Theod.* 1.20.1; Noethlichs 1981, 170. See also Wacke 1980.

reality could snowball into a crisis of legitimation affecting the entire system, as described by Salvian for the West in the fifth century and by Priscus for the East.⁴⁷ In these circumstances, Constantine and his successors seem to have felt compelled to give unmistakable signals. This policy of symbolic gesture was echoed on an ad hoc basis in the scaling and implementation of punishments. A case in point is Constantine's decree of 313, which orders that *actores* and *procuratores* of the *res privata* who had oppressed the provincial population should be publicly burned, since those who acted in the emperor's name should be punished more severely for lapses of duty—*quoniam gravior poena constituenda est in hos, qui nostri iuris sunt et nostra debent custodire mandata*.⁴⁸

The hypothesis outlined can now be substantiated: neither the drastic character of Constantine's decrees nor their content can be explained either in terms of a generally dysfunctional state apparatus⁴⁹ or as the product of a hysterical, obsessive need to impose order⁵⁰ on the part of the emperor.⁵¹ The constitutions allow the emperor rather to position himself within the complex and tense field of late Roman law and administration. In this connection, it should be borne in mind that, as we have seen, a number of the decisions in this area include no specific punishment. Constantine remains typically and intentionally vague when he speaks of his intention to investigate cases personally and promises action that is not further specified. The sometimes brutal punishments threatened to *officiales*—amputation of the hands followed by decapitation—should be interpreted as a specific, highly symbolic code by which the emperor communicated with the provincial population; such punishments were not intended to be imposed regularly. Typically then, these texts do not stipulate under what conditions a given punishment should actually be applied. In fact, even in the Constantinian period, the usual penalty meted out on wrongdoing by *officiales* remained a fine.⁵² The constitutions analyzed in this paragraph therefore first and foremost convey to the people, in a strongly personal and emotional tone, the emperor's profound disapproval of irregular practice. In the first instance, therefore, these laws against misuse of office should be seen as a discursive strategy intended to suggest a close relationship between the emperor and the people.⁵³ Given this aim, "rationally" regulating these crimes in a neutral, legal sense, the absence of which has been noticed by

47 Salv. *Gub.* 4.12–13; Prisc. *fr.* 8 (FHG 4, 86–88); Harries 1999b, 6–7.

48 *Cod. Theod.* 10.4.1.

49 Noethlichs 1981, 218–219, 229.

50 Liebs 1985, 95.

51 Kelly 2004, 225–231.

52 Cf. Noethlichs 1981, 223.

53 Cf. Rivière 2000, 425.

legal historians, would have been counterproductive. A considerable portion of Constantine's legislation therefore presents law as a ritual process, manifesting the emperor's sense of justice and his willingness to act. Nor does this goal seem to have been misplaced: Constantine would be remembered as an equally mild and active legislator.⁵⁴

SEXUAL CRIMES AS INTERSECTION OF MULTIPLE IMPERIAL DISCOURSES

A second focus of Constantinian criminal law lies in sexual crimes in the broadest sense. During his sixth consulate, shared with his homonymous son, in 320,⁵⁵ Constantine issued a decree *ad populum*⁵⁶ that attacked the practice of *raptus*. This is a form of marriage by abduction, whereby a man kidnapped a young woman in order to force her parents to consent to their marriage. What is more, in Constantine's view, abduction was not usually induced by romantic love; *raptores* far more frequently craved the property of the girl's family.⁵⁷ The emperor nevertheless takes for granted that many a girl agreed to be carried off. Other parties in a given case may also have known of and aided and abetted the abduction, whether on behalf of the kidnapper or on behalf of the girl. Constantine was obviously also aware that in addition to reported cases, an indeterminate number of others went unnoticed. It was not uncommon for parents to conceal abduction to avoid a scandal and to give their daughters in marriage to the abductors without taking legal action. Appealing to the *ius vetus* of the *antiqui*, Constantine now moved against all of these scenarios with drastic measures, using the resources of criminal law in this field for the first time in Roman history.⁵⁸ His constitution establishes that any form of consent on the part of the abducted girl would have no bearing on the punishment of the *raptor*; for since time immemorial, women had been excluded from all legal

54 Euseb. *Vit. Const.* 4.31; *Pan. lat.* 4(10).3.3, 8.1; Eutr. 10.8: *multas leges rogavit, quasdam ex bono et aequo, plerasque superfluas, nonnullas severas*. MacMullen 1986, 158 and n. 33, interprets this favorable evaluation in terms of the contemporary perception of the "normalcy" of his decrees: "He was merely of his times. His savage measures, looked at from a distance, fit very well into the curve of penal development discovered thus far." However, following Krause 2009, one may doubt whether there was in fact any sharpening of punishments, and in particular of criminal law, in Late Antiquity at all, or whether instead, compared with the third century, there was rather a relaxation in many spheres.

55 The dating is disputed. Seeck 1919, 61, 63, argues that the constitution should be attributed to 326; he is followed by, among others, Barnes 1981, 219–220; Barnes 1982, 77; and Desanti 1986, 196 n. 1; cf. Grubbs 1989, 60. For the retention of the manuscript dating, see Voss 1989, 640–643; Grodzynski 1984b, 697; Liebs 2002, 16.

56 *Cod. Theod.* 9.24.1.

57 See here Merèa 1950.

58 On the appeal to *ius vetus* in the Constantinian legislation, see Rivière 2000, 418.

affairs (*omnibus rebus iudicariis*, in particular, from *postulatio* and testimony), *propter vitium levitatis et sexus mobilitatem atque consili*.⁵⁹ This assertion is untenable as stated, and in another legal text, Constantine (or his staff) display a far more nuanced knowledge of legal history.⁶⁰ This fact therefore suggests deliberate simplification and points to the thinking underlying the *raptus* decree.

Second, the slave wet-nurses of such girls were threatened with the severest penalties. Because they often exercised an undesirable influence on the girls in their care through insinuation, in the event of their complicity with a *raptor*, molten lead was to be poured into their mouths and throats—a punishment with symbolic weight. The *virgo* herself is then considered: if she consented to the abduction, she is to be subjected to the same penalty as the man. If she did not consent, one must determine whether, by leaving her parents' house, she had facilitated the kidnapping, or whether—when the man had broken into the *domus*—she had neglected to alarm the neighbors. In the latter case, she would be deprived of her inheritance. Those who had assisted in the *raptus* were to receive the same punishment as the convicted abductor, irrespective of their gender; the unfree were to be executed by burning. In order to discourage the tendency of families to accede to circumstances and to conceal such abductions, Constantine offers rewards to informants from the ranks of the families' domestic servants. In such cases, the parents of the girl were to be deported.

Despite the many contingencies outlined, there seem to be lacunae in this constitution, whether conceptual or caused by the editors of the Theodosian Code. For one, it is nowhere specified how one should interpret the "harshness" (*severitas*) with which the abductor is to be punished. The manner in which a court was to establish the complicity of the *puella* in her own *raptus*, given the exceptionally broad conception of the crime, also remains uncertain. Perhaps most striking is the particularly brutal treatment of servants who assisted in the crime, especially the punishment meted out to nurses. The cleverly casuistry of the law speaks for a certain imaginativeness on the part of the emperor, but it suggests above all the broader, discursive quality of the constitution. Sober analysis of the possible financial and social benefits for the persons involved is combined here with a strongly gendered perception of community.

59 On the ostensible appeal by Constantine to ancient legal practice, see also Grubbs 1993, 141. On the *topos* of female weakness in Roman law, see Dixon 1984; Beaucamp 1976; Beaucamp 1994; Robinson 1985, 543–544, 556–559.

60 *Cod. Theod.* 9.1.3 (322); cf. *Dig.* 1.5.9 (Papinian); in *multis iuris nostri articulis deterior est condicio feminarum quam masculorum*, clarified by *Dig.* 50.17.2 (Ulpian); however, these restrictions applied primarily with regard to the appearance of women *pro aliis*, not when they appeared for themselves; so, explicitly, *Dig.* 3.1.1.5. See here Arjava 1996, 231–237; further, Grubbs 1989, 64.

Female stereotypes take center stage: on the one hand, the easily manipulated *puella*, and on the other hand, the devious wet-nurse, who conspires in secret against the social and moral order represented by the *pater familias*. Constantine's law thus reflects a mentality in which both the hierarchical structure of social status (freeborn—slave) and the fiction of the female *sexus mobilitas atque consilii* are reinforced. The logical inconsistency of the fact that women were not legally responsible, while punishments are imposed irrespective of gender, was presumably either approved by the drafters of the law or not even noticed.

A law of Constantius II from 349 on the subject of *raptus* seems to fill at least some of the lacunae in his father's law.⁶¹ Constantius' constitution, too, however, says nothing more precise about the punishments threatened by Constantine, describing them merely with the expression *atrocissime vindicari*. Constantius, for his part, decrees that in the future, abduction would be punished more moderately with the *capitalis poena*, that is, decapitation. Nevertheless, he retains the penalty of burning for the unfree. These prescriptions imply that Constantine's law envisioned the aggravated death penalty indiscriminately. Constantius justifies reducing the penalty for the freeborn by claiming that otherwise the investigation of such crimes would be protracted, since many would consider the *atrocissima poena* too severe. This in turn suggests that penalties could become part of a broad discussion within the community and provoke passive resistance on the part of the judges and potential complainants. Yet if late-antique society found Constantine's punishments particularly harsh, this would only have been in the case of the punishment of freeborn persons; the apparent brutality against slaves must have met with widespread acceptance.

Two other laws concerning *raptus* reveal the extent to which Constantine was concerned by this abuse. Already in 317, it appears in a list of crimes for which senators could not claim *praescriptio fori*. Such a case instead had to be heard in the same province in which the deed had been committed.⁶² In April 320, contemporary with the principal constitution on *raptus*, another law threatened a *tutor* who had fornicated with his marriageable ward and thus injured her *castitas* with deportation and confiscation of all of his property, adding that the guilty party ought to be punished more appropriately as a *raptor*, implying that the crime deserved the death penalty.⁶³

While scholars have tended to group the constitutions on abduction marriage, adultery,⁶⁴ and the prohibition of concubines for married men⁶⁵ as a

61 *Cod. Theod.* 9.24.2.

62 *Cod. Theod.* 9.1.1; cf. Grodzynski 1984b, 706; Liebs 1985, 95–99.

63 *Cod. Theod.* 9.8.1.

64 *Cod. Theod.* 9.7.2.

65 *Cod. Iust.* 5.26.

“packet of laws,” they actually exhibit only limited uniformity. In the case of *adulterium*, the penalty is raised to death in place of banishment and confiscation of property,⁶⁶ while the ability of *extranei* to bring accusations is greatly reduced. Constantine also ties the rulings of penal sex law to the social rank of the accused and their everyday reality with greater nuance than before.⁶⁷ In concrete terms, this meant that a *domina cauponae* was subjected to the prescriptions of the law on adultery, but her *ministra* was not, whose *vilitas vitae* made respect for social norms a priori impossible.⁶⁸ A secret relationship between a freeborn woman and her slave was to be punished by the execution of both parties—decapitation for the woman and burning for the slave.⁶⁹ In another context, Constantine ruled in favor of the protection of a *mater familias*: no *officialis* was permitted to force an honorable woman out of her house in public while confiscating property in the name of the state, as long as her assets could cover her debts. If an official contravened this ruling, he was to be punished by being tortured to death: *quod si quis in publicum matremfamilias posthac crediderit protrahendam, inter maximos reos, citra ullam indulgentiam, capitali poena vel exquisitis potius exitiis suppliciisque plectatur*.⁷⁰

To the extent that it is possible to reduce these measures, many of which were issued in response to concrete, individual questions submitted to the emperor, to a common normative goal, it would embrace three aspects. First, there is a concern to protect the *domus* from external threats to its honor. In this respect, the position of the head of the household is acknowledged in principle and even strengthened in a formal sense, but the state shows itself prepared to intervene even against his will in order to preserve the integrity of the *familia*.⁷¹ This approach was appreciated very well by the upper classes, as

66 See, however, McGinn 1998, 143 (with earlier literature), who considers the death penalty here to be an interpolation, applied first only in *Cod. Theod.* 11.36.3 (339); cf. Beaucamp 1990, 166.

67 *Cod. Theod.* 9.7.1.

68 Cf. Grubbs 1993, 137. This ruling has a predecessor in Papinian’s commentary (*Dig.* 48.5.(10)11.2; cf. *Dig.* 48.5.6 pr.) on the *lex Iulia de adulteriis coercendis*, or in the *senatus consultum* from Larinum from 19 BC: *mulier, quae evitandae poenae adulterii gratia lenocinium fecerit aut operas suas in scaenam locavit, adulterii accusari damnarique ex senatus consulto potest*, which in effect excludes practitioners of this profession from culpability. A closer parallel to Constantine’s law occurs in *Pauli sent.* 2.26.11: *cum his, quae publice mercibus vel tabernis exercendis procurant, adulterium fieri non placuit*. The exclusion of this group obviously reflects a post-classical development; cf. McGinn 1998, 194–202. See also Mette-Dittmann 1991, 35; Olivia Robinson 1995, 536.

69 *Cod. Theod.* 9.9.1.

70 *Cod. Theod.* 1.22.1; cf. Dupont 1953–1955, vol. 2, 16, 92. Grubbs 1993, 136–137, traces these and similarly oriented laws to a decline in the guardianship of women and their increasingly common public presence, notably in legal affairs, in Late Antiquity.

71 Cf. also *Cod. Theod.* 9.15.1 on *parricidium*. In comparison with the simple death penalty envisaged by the *lex Pompeia*, Constantine reintroduced the *poena cullei*. At the same time, the definition of *parricidium* was extended to include the killing of a son by his father. See Cloud 1971.

illustrated by the panegyric of the rhetor Nazarius from 321.⁷² Second, a sharpening of the difference in treatment between slaves and freeborn can be seen in this and other areas of Constantine's legislation. Finally, though the emperor repeatedly cites the limited legal competence of women according to traditional Roman norms, such a limitation plays no role when it comes to criminal punishment: women were subject to the same punishments as men. Law here serves primarily to reaffirm preconceived gender roles.

Thus, at least linguistically, Constantine vigorously attempted to achieve these goals. Yet the frequency with which the *severitas* demanded by these laws was in fact applied must remain an open question. In the case of adultery, the death penalty could now be applied, but the probability that a trial would ever have been conducted was significantly reduced by the exclusion of accusations by third parties. It is also unlikely that the other sexual crimes, the punishments for which were raised by Constantine, often came to trial. Hence, the criminal law was brutalized under Constantine at best only on the discursive level. And there is good reason to suspect that this discourse only rarely resulted in corporal agony felt by the freeborn.

THE "PERFORMANCE" OF THE LAW IN THE CONSTANTINIAN PERIOD

To the performance of law belong not only the vivid and rhetorical language of legal texts⁷³ and the public nature of trials, both civil and criminal *pro tribunali*, as Constantine intended with his repeated demands for their establishment:⁷⁴ this drama concluded logically with the execution of punishment before the eyes of the public.⁷⁵ In Rome, this practice had a long tradition, and in the view of philosophers and lawyers it was supposed to have a deterrent effect, among other benefits. Aulus Gellius, for example, lists three generally recognized reasons for punishment: to encourage conformity to social norms,

72 *Pan. lat.* 4(10).35.3, 38.4; cf. Euseb. *Vit. Const.* 4.26. On this group of subjects, see Grubbs 1993, 124.

73 The considerable number of Constantinian constitutions addressed *ad populum* or *ad provinciales* is to be seen in this context. Clémence Dupont has convincingly demonstrated the political dimension of a direct dialogue between the emperor and the inhabitants of individual cities; see Dupont 1971, 587–588, 597, 599; also Gaudemet 1983, 142–143, 151.

74 Cf. already a law from 283, which regards the public conduct of trials as constitutive, *Cod. Iust.* 7.45.6: *cum sententiam praesidis irritam esse dicis, quod non publice, sed in secreto loco officio eius non praesente sententiam suam dixit, nullum tibi ex his quae ab eo decreta sunt praeiudicium generandum esse constat*. For epigraphic evidence pertaining to the erection of *tribunalia* in the fourth century, see Grelle 1989.

75 Slater 1995.

vengeance, and deterrence.⁷⁶ Seneca the Younger expresses similar sentiments in reference to imperial legislation, which essentially should serve to exact vengeance: *a duabus causis punire princeps solet, si aut se vindicat aut alium*. In developing the notion of the just ruler taking revenge for crimes committed against a third party, Seneca also introduces the idea that terror deters potential criminals: *transeamus ad alienas iniurias, in quibus vindicandis haec tria lex secuta est, quae princeps quoque sequi debet: aut ut eum, quem punit, emendet, aut ut poena eius ceteros meliores reddat, aut ut sublatis malis securiores ceteri vivant*.⁷⁷ The public exhibition of punishment therefore serves the public good by preventing crime, inspiring repentance in criminals or reforming them, and restraining the remainder of the population from committing crimes.⁷⁸ This belief in the deterrent power of punishment also influenced late-antique legislation. For example, Diocletian and Maximian decree that those convicted of kidnapping (*plagium*) were to be executed so as to discourage others from doing likewise. Justinian's *Novels* also consider "bitter punishments" for a few as particularly humane, because they prevent others from acting similarly and thus protect them from punishment.⁷⁹ Such attitudes reflect the highly exemplary conception of punishment in pre-modern societies, which can be traced from Rome to the early modern period.⁸⁰

This kind of rationalization of preventative punishment necessitated a conspicuous ritualization of sanctions against crimes in the form of a "theater of punishment," which allowed the audience to participate actively to some extent. Such a performance began with the ceremonial appearance of the governor and his staff in the forum and the erection of the tribunal⁸¹ and continued with the trial and judgment of the accused on an easily visible podium,

76 Gell. 7.14.1–4, especially here the intended deterrence effect: *ut ceteri a similibus peccatis, quae prohiberi publicitus interest, metu cognitae poenae deterreantur*. idcirco veteres quoque nostri "exempla" pro maximis gravissimisque poenis dicebant; cf. also Coleman 1990, 44–49; Harries 1999b, 37–38.

77 Sen. Clem. 1.20.1, 22.1.

78 See here Humbert 1991, 144–154.

79 Cod. Iust. 9.20.7 (287): *quoniam servos a plagiariis alienari ex urbe significas atque ita interdum ingenuos homines eorum scelere asportari solere perscribis, horum delictorum licentiae maiore severitate occurrendum esse decernimus. 1. ac propterea si quem in huiusmodi facinore deprehenderit, capite eum plecti non dubitabis, ut poenae genere deterri ceteri possint, quominus istiusmodi audacia vel servos vel liberos ab urbe abstrahere atque alienare audeant*; cf. Nov. Iust. 30.11 (536): *adulteria quoque virginumque raptus et violentias et homicidia et quicquid talium est delictorum puniat amare, utpote paucorum hominum supplicio omne quod reliquum est perpetue temperetur, sitque cum lege castigatio subtilis delinquentium. non enim inhumanum est hoc, maxima magis humanitas, dum paucorum corruptione multum saluum est*. On the implementation of punishment, cf. Ioh. Chr. Adh. Stag. 1.8 (PG 47, 445).

80 van Dülmen 1995, 110–117, 177–182.

81 See here the text of a classroom exercise in which schoolchildren imagined the course of a day in the courts as quotidian reality, edited by Dionisotti 1982, esp. 104–105.

and public torture on the *eculeus*, a scaffolding constructed expressly for this purpose.⁸² Cries of encouragement or protest from the audience, to judge at least from the reports of the persecution of Christians, seem to have been common.⁸³ During a sitting of the *consistorium*, Diocletian and Maximian even saw themselves occasioned to impose limitations on the participation of the *populus* in a trial: *Impp. Diocletianus et Maximianus AA. in consistorio dixerunt: decurionum filii non debent bestiis subici. cumque a populo exclamatum est, iterum dixerunt: vanae voces populi non erunt audiendae: nec enim vocibus eorum credi oportet, quando aut obnoxium crimine absolvi aut innocentem condemnari desideraverint.*⁸⁴ When the *augusti* insisted that sons of decurions should not be thrown to the beasts in the arena, they drew contemptuous cries from the crowds upon themselves; but Diocletian and his colleague did not give in to the people. They declared that the crowd's acclamation was not worthy of attention (*vanae*) and maintained that such public protests should have no influence on the findings of a court, insofar as it was inconsistent with the purpose of a hearing: the people were not to declare the guilty innocent, or to condemn the innocent. In this instance, however, the question of guilt does not seem to have been the central issue, but rather the severity of the punishment. The *augusti* considered the privileges of *honestiores* more important than the people's sense of justice. The public trial as a ritual in this case got out of control, as no consensus could be achieved between rulers and populace. The emperors, however, underlined their sovereignty in the defense of the law and their competence in distinguishing between *verae* and *vanae voces*.

Like an actual trial, an execution might also follow an elaborate choreography. For example, the condemned might first be paraded through the city and then more or less "artistically" killed before the eyes of the crowd.⁸⁵ Crosses were erected at widely frequented and easily visible places, preferably along routes in and out of the city.⁸⁶ In cases of condemnation *ad bestias* and *ad ludos*, the people were not merely passive consumers of entertainment: by means of their cries, they could intervene in the events, demanding milder treatment, such as the freeing of a delinquent who had sufficiently demonstrated his *virtus*

82 Arce 1996; Rivière 2000, 423–424. On the public nature of trials in Rome, see also Liebermann 1944; Potter 1996.

83 Especially suggestive: Euseb. *Hist. eccl.* 5.1 (the martyrs of Lyon and Vienne); *Pass. Perpetuae et Felicitatis* 18–19; *Mart. Polyc.* 3, 12. According to Justin, Hadrian had already insisted that legal procedures should not be impeded by pressure from the crowd: *Iust. Mart. Apol.* 1.68 = Euseb. *Hist. eccl.* 4.8–9; cf. Harries 2007, 39–41.

84 *Cod. Iust.* 9.47.12; Harries 1999b, 38–39.

85 Krause 2009, 321, 339; Slater 1995, 146–148.

86 *Dig.* 48.19.28.15; Liebs 1985, 91; MacMullen 1986, 151.

in the arena.⁸⁷ In such cases, both the magistrate who funded the games and the emperors themselves seem to have accepted the decisions of the spectators with reasonable frequency.

Yet, from the reign of Constantine, this communal and integrative form of punishment appears to have been curtailed, at least in certain contexts. At the beginning of October 325, officials in Berytos published a law that abolished the punishment of fighting as a gladiator, replacing it with forced labor in the mines: *cruenta spectacula in otio civili et domestica quiete non placent. quapropter, qui omnino gladiatores esse prohibemus eos, qui forte delictorum causa hanc condicionem adque sententiam mereri consueverant, metallo magis facies inservire, ut sine sanguine suorum scelerum poenas agnoscant*.⁸⁸ A bloodless punishment thus was to replace fighting in the arena. Ten years earlier, Constantine had decided the opposite, decreeing that kidnapping (*plagium*) would no longer be punished with forced labor in the mines but rather with execution during the *ludi*. Slaves and freedmen were to be thrown to the beasts at the next opportunity, while the freeborn were to be sent unarmed against gladiators.⁸⁹ Therefore, fundamental abhorrence of this kind of punishment on the part of Constantine cannot be assumed. Neither did his decree of 325 result in the complete abolition of condemnation *ad ludum gladiatorium*, which is still attested later in the fourth century.⁹⁰

At first sight, this constitution shows that Constantine distanced himself from the public shedding of blood to some extent, which would contradict the draconian and even spectacular punishments threatened by the same emperor in other laws. Admittedly, the alternative of condemnation *ad metallum* in the cited law was a form of punishment concealed from the public gaze, insofar as it was carried out in mines and quarries remote from cities. These convicted criminals nonetheless were made identifiable and stigmatized through tattooing, branding, and shaven heads;⁹¹ Constantine's prohibition against marking

87 Cf. Flaig 2003a, 232–260; Walter 2004.

88 *Cod. Theod.* 15.12.1 (325); Krause, 2009, 325–326.

89 *Cod. Theod.* 9.18.1.

90 Firm. *Math.* 7.8 seems to confirm that condemnation to fight as a gladiator continued; *Cod. Theod.* 9.40.8 (365) explicitly forbids condemning a Christian *ad ludos*, thus assuming that the punishment as such is still applicable. Even in the late Constantinian edict from Hispellum, the *munus gladiatorum* still appears repeatedly (CIL 11.5265). See here Ville 1969, esp. 312–331; Rivière 2002b, esp. 354–358, views the constitution from Beirut as a largely unsuccessful attempt by Constantine to eliminate the supply of gladiators.

91 Millar 1984; Jones 1987; Gustafson 1997; Gustafson 1994. Constantine prohibited marking on the face, and prescribed brands to be applied to the hands or calves, *Cod. Theod.* 9.40.2 (315/6): *si quis in ludum fuerit vel in metallum pro criminum deprehensorum qualitate damnatus, minime in eius facie scribatur, dum et in manibus et in suris possit poena damnationis una scriptione comprehendere, quo facies, quae ad similitudinem pulchritudinis caelestis est figurata, minime maculetur*.

criminals on the face in 315–316 introduced at best a modest amelioration. Thus, condemnation to forced labor also retained an element of publicity and at least a rudimentary element of spectacular justice.

A further difficulty in interpreting Constantine's partial abolition of punishment *ad ludum* and *ad bestias* lies in its unclear motivation. An explanation has often been seen in the suffering of Christians during the persecutions and in the many reports of executions in the arena in the acts of the martyrs. Yet there is no explicitly Christian justification in Constantine's constitution; his reasoning points toward political rather than religious motives. In the opinion of the emperor, a direct correlation between the internal political situation (*otium civile; domestica quies*) and the general degree of punishment should prevail. This finding may also help to account for what modern observers consider excessive punishments in some of his early constitutions. The alleged misuse of office by governors and public officials directly threatened the internal peace of the empire and the people's loyalty to their ruler. The same was true if *delatores* got out of hand, as their actions could similarly endanger the cohesion of the population. This political calculation is still more evident in Constantine's hostility toward magicians and soothsayers: the association of these crimes with treason (*laesa maiestas*) seems to have been assumed a priori, so that public burning appeared to be a suitable punishment for them.⁹² In drawing a distinction between internal peace and crises that demanded harsher laws, Constantine was by no means original. His practice rather continued that of Hadrian, who made the severity of punishment contingent on the actual extent of criminality. Thus, Constantine usually imposed the death penalty for cattle theft (*abigeatus*), but added that this could be commuted to hard labor in regions where the crime was less common.⁹³

In one respect, however, Constantine's penal law acquired a new quality: while judges under earlier emperors had been at liberty to apply a wide range of sentences, the criminal laws of Constantine, when they specify a punishment, noticeably restricted the discretion of the judges in what they could impose and how the sentence was to be implemented. This tacit return to *poena*

92 *Cod. Theod.* 9.16.1–3. See Fögen 1997, 255–257, and *passim*.

93 *Dig.* 47.14.1 (Ulpianus 8 *de off. procons.*): *de abigeis puniendis ita divus Hadrianus consilio Baeticae rescripsit: "abigei cum durissime puniuntur, ad gladium damnari solent. puniuntur autem durissime non ubique, sed ubi frequentius est id genus maleficii: alioquin et in opus et nonnumquam temporarium dantur."* See also *Coll.* 1.11.2 and 11.7.1; *Dig.* 48.19.16.9–10. Ulpian interpreted the Hadrianic disallowance in his work on the office of proconsul as follows: *quamquam autem Hadrianus metalli poenam temporari vel etiam gladii praestituerit, at tamen qui honestiore loco nati sunt, non debent ad hanc poenam pertinere, sed aut relegandi erunt aut removendi ordine. Romae tamen etiam bestiis subici abigeos videmus: et sane qui cum gladio abigunt, non inique hac poena adficiuntur* (*Coll.* 11.8.3–4); cf. Humbert 1991, esp. 150–151.

legis in Constantine's legislation, recognized by Clémence Dupont,⁹⁴ should be interpreted, however, less as a direct order for punishment than as a form of the textual staging of state vengeance. In many of the laws discussed previously, one should remember that a clear-cut distinction between a metaphorical and a literal interpretation of punishment was hardly possible. Decisive for understanding these laws is that by stipulating excessively precise punishment, including reference to its public implementation and such nearly tautological formulations as *publice concremare*,⁹⁵ the execution is already imagined before the eyes of the people long before there has even been a trial. At the same time, Constantine retained the execution of a man as punishment for breaching norms as the prerogative of the state. Slave owners were thus forbidden to impose mortal *poenae* upon their property. Execution as a state punishment was meticulously differentiated from other, "private" forms of death, such as hanging or poisoning.⁹⁶ In this way, the emperor once again underlined the status of the penal system as the exclusive sphere of the ruler.

To conclude, let us briefly review the congeries of Constitinian penal law and punishment as presented by the Codes and thus put the topics discussed so far into perspective. As to the spectrum of possible punishments, it ranges from fines to *fustigatio*,⁹⁷ forced labor,⁹⁸ deportation, the ostensible or actual amputation of a part of the body,⁹⁹ and various forms of execution. Among the latter, decapitation is the most common, followed by burning alive.¹⁰⁰ Other forms of the aggravated death penalty occur exclusively in early constitutions and in each case are attested only once.¹⁰¹ The emperor himself in a constitution of 319 considered fire and sword the usual highest forms of punishment (*poenae sollemnes*).¹⁰² A significant increase in the severity of punishments in comparison with pre-Constantinian laws, contrary to earlier views, can thus be demonstrated only in individual cases and is in no sense a general characteristic of Constantine's reign. On the contrary, the emperor even called for restraint in imposing the death penalty.¹⁰³ Conspicuous extension of the criminal law in this period occurred mainly in the areas of misuse of office and sexual

94 Dupont 1953–1955, vol. 2, 12–14.

95 *Cod. Theod.* 10.4.1.

96 *Cod. Theod.* 9.12.1.

97 *Cod. Theod.* 16.2.5.

98 *Cod. Theod.* 1.5.3, 4.8.8, 12.1.6, 14.24.1; *Cod. Iust.* 6.1.3; *opus publicum (pistrina)*: *Cod. Theod.* 9.40.3; cf. 14.3.1.

99 Tongue: *Cod. Theod.* 10.10.2; foot: *Cod. Iust.* 6.1.3; hands: *Cod. Theod.* 1.16.7.

100 *Cod. Theod.* 7.1.1, 9.9.1, 9.16.1, 9.24.1, 10.4.1, 16.8.1.

101 *Ad bestias*: *Cod. Theod.* 9.18.1; *culleus*: *Cod. Theod.* 9.15.1; *patibulum*: *Cod. Theod.* 9.5.1; sealing the throat with molten lead: *Cod. Theod.* 9.24.1; garroting (?): *Cod. Theod.* 10.10.2.

102 *Cod. Theod.* 9.15.1; cf. 9.22.1.

103 *Cod. Theod.* 9.40.1.

delicts, which for the first time could be punished with death.¹⁰⁴ Beyond these spheres, the death penalty was applied only in religious contexts. Thus, Jews who stoned one of their own who had converted to Christianity could now be burned,¹⁰⁵ like soothsayers who observed their practices in private houses in secret.¹⁰⁶ Both of these delicts would scarcely have been conceivable before the Roman emperors' conversion to Christianity and are therefore irrelevant to the present discussion. With the exception of these two areas, only the severe punishment in the case of *plagium* might thus lend credibility to the thesis that Constantine's reign witnessed an outright brutalization of criminal law.¹⁰⁷ However, Constantine justified this particular aggravation in the same way he did with his law concerning sexual offenses, namely, by claiming that he sought to protect family structures and functions: he who robbed parents of their children also deprived them of care in their old age.

We can therefore ultimately identify two fundamental innovations in Constantine's criminal laws. First, by means of the law itself, Constantine promoted a discourse about the legal system, and thereby one of the central activities of government, in which misuse of office came to be considered as deserving the death penalty. This served primarily to legitimize his monarchical form of rule and was given a soteriological dimension. Second, the performance of the legal process evolved from being a sphere of responsibility of the governor to one in which the imagination and worldview of the emperor were decisive. Although his constitutions seem at first sight to be characterized by greater brutality, Constantine limited the death penalty in fact to decapitation and burning. At best, one might ask whether this reduction was compensated by the introduction of the punishment of amputation to the Roman penal system. However, a significant increase in brutality is limited almost exclusively to the drastic rhetoric that colors some of Constantine's laws. The *severitas* demanded by Constantine remains, then, first and foremost a literary phenomenon restricted to some well-defined areas of legislation. This textual and occasionally even ritual staging of imperial severity represented an important component of the discourse of legitimate rule. Its counterpart would be found in the suffering body of the delinquent, whose torment—whether imagined or real—would ensure the salvation of the empire. The language and content of Constantine's laws thus reflect very clearly the struggles and dialectic self-assertiveness of a “contested monarchy.”

104 See Grodzynski 1984a, esp. 373–379; further, Robinson 2000, 782–784.

105 *Cod. Theod.* 16.8.1; cf. 16.2.5.

106 *Cod. Theod.* 9.16.1. On Constantine's religious legislation, see now Belayche 2009.

107 *Cod. Theod.* 9.18.1.

PART THREE

Balancing Religious Change

Speaking of Power

Christian Redefinition of the Imperial Role in the Fourth Century

HAROLD DRAKE

IT HAS BEEN EIGHTY YEARS SINCE NORMAN BAYNES CALLED attention to parallels between certain Hellenistic theories of kingship and the ideas and language of Bishop Eusebius of Caesarea, one of the most influential writers of the fourth century. Eusebius' essay on Constantine, *De vita Constantini* (hereafter VC), shaped our view of the first Christian emperor for centuries, and despite long-overdue hermeneutical studies that have given us a much better understanding of that work's tendentious nature, it remains the inevitable starting point for any study of this emperor's reign.¹ Baynes was not thinking of the VC but of another work, the Tricennial Oration that Eusebius delivered in Constantinople in the summer of 336 as part of the closing ceremonies of Constantine's Thirtieth Jubilee.² In this work, Eusebius depicted the empire as a *mimesis* of the heavenly kingdom and extolled the emperor as an earthly counterpart to the Logos, a "friend of God" (φίλος θεοῦ) whose piety manifests itself in the priority he gives to divine service and to teaching his subjects to recognize God. Baynes characterized this oration as the source of "that philosophy of the State which was consistently maintained throughout the millennium of Byzantine absolutism."³ By pointing out the similarity between the way Eusebius presented Constantine's Christian empire on the one hand

1 There have been several recent editions and translations of this basic work; see Winkelmann 1975; Bleckmann/Schneider 2007; Cameron/Hall 1999; Dräger 2007; Pietri/Rondeau 2013. From numerous important studies, see Cameron 1997; Cameron 2000; Barnes 1981, 261–271; Van Dam 2007, 252–316; Schott 2008; Williams 2008; Johnson/Schott 2013. Still useful: Momigliano 1963.

2 For an English translation, see Drake 1976, and for the date, Drake 1975; for a French translation, Maraval 2001; for the text, see Heikel 1902. A new edition will be published by Akademie-Verlag in 2015.

3 Baynes 1934, 13. For a novel and important reading of Eusebius' use of this term, see Wilkinson 2009, 46–49; for biblical sources, Smith 1989a, ch. 4.

and ideas and images in extracts from Hellenistic political tracts preserved by John Stobaeus on the other,⁴ Baynes provided an important context for thinking about the interaction of Christian thinkers with the matrix of classical thought. But one question that immediately occurs to us when we read this oration Baynes left completely unanswered, and even unasked: what do these parallels signify? Was this adoption of familiar political theory a sign of a confident Christianity appropriating the remnants of a fading culture? Or was it a sign that Christianity had matured from its origin as an outlawed counterculture to the point where it was now ready to share responsibility for maintaining the throne with the civic elites who had been the traditional bulwark of ancient order? Does it signify what Timothy Barnes has called an “aggressively Christian” doctrine,⁵ or rather was it, in the words of J. M. Wallace-Hadrill, “Christianity with the detonator removed?”⁶

Baynes’ lack of interest in such a question is understandable. To gauge from his magisterial Raleigh Lecture of 1929, *Constantine the Great and the Christian Church*, Baynes saw no reason to doubt the prevailing “conflict” model that put Christianity into a life-and-death struggle with those traditional religions we now label “paganism,” a struggle from which both sides knew there could emerge but a single victor. From the “conflict” model as well came an assumption that there was only one Christian point of view, a view unanimously hostile to classical thought. Accordingly, the question was, for him, superfluous: signs of difference with pagan thought were simply not particularly noteworthy, whereas the fact that such an influential author had drawn on Hellenistic ideas of kingship to construct his own concept of a Christian empire definitely merited attention.⁷

Scholarship since Baynes’ day, however, has provided us with a more nuanced understanding of the fourth century’s religious landscape, one in which the variety of sentiments and beliefs among the traditional religions of the empire was matched by an equally rich variety within Christianity itself. With this understanding, the question of what Eusebius’ adoption of Hellenistic thinking signified cannot go unasked; indeed, it goes to the very heart of the theme of “Contested Monarchy,” for of the many fields in the fourth century

4 Extracts attributed by Stobaeus to “Diotogenes,” “Ecphantus,” and “Sthenidas” are edited in Thesleff 1965. On the date, Thesleff 1972. Baynes was inspired by Goodenough 1928, which is still useful although severely dated.

5 Barnes 1981, 254.

6 Wallace-Hadrill 1962, 14.

7 Dvornik 1966, vol. 2, 616–617, blamed Eusebius for “the wholesale acceptance of Hellenistic political thought by the Christians.” For a more balanced view, see McGuckin 2003; cf. Dagron 2003, 132.

in which that contest played out, none is more central to our understanding of this period than the way in which Christians reconfigured their relationship to the empire in response to the phenomenon of a Christian emperor. As part of this reconfiguration, a new understanding of the Roman monarchy and a new understanding of the role and function of a Roman monarch emerged. The aim of this chapter is to define more carefully the nature of this conflict by putting Eusebius' oration into dialogue with the thoughts of other Christian thinkers in the fourth century. These will show that Barnes and Wallace-Hadrill were both right, and both wrong.

Eusebius' stature as a witness to Constantine's policies has diminished since Baynes wrote. As the author of the VC, the bishop of Caesarea comes down inseparably joined to that emperor, and his frequent claims to intimate knowledge of Constantine's mind and intentions created in the scholarly imagination an image of the bishop as not only a close friend of the emperor but also a key adviser and primary architect of his religious policy.⁸ Two considerations have led to a reevaluation: first, T. D. Barnes pointed out that Eusebius could be put in Constantine's presence on no more than four occasions, and even though this number is better seen as a bare minimum rather than an absolute maximum, it nevertheless serves as an important reminder of the distance between Caesarea and Constantinople;⁹ second, closer attention to genre and purpose have led to less literal readings of Eusebius' assertions, especially by Averil Cameron, who has called attention to the role Eusebius' claims to personal intimacy played in verifying his account.¹⁰

Eusebius' oration (referred to here as LC, for *laus Constantini*) has undergone a similar reevaluation. No longer can scholars assume from the fact that Eusebius included it in the *Life* that the LC was the only, or even the most important, of the speeches delivered at Constantine's Tricennalia. To the contrary, Eusebius deliberately contrasts himself to the "countless" (μυρίων) others who were also speaking (Prol. 2). Furthermore, there are strong internal indications that the group that heard Eusebius speak was fairly small, since in the same passage the bishop also concedes that other speakers will be more popular and draw larger crowds. Eusebius describes his own audience as a

8 Gibbon 1909–1914, vol. 2, 136, characterized Eusebius as a bishop who "was less tinctured with credulity, and more practised in the arts of courts, than that of almost any of his contemporaries." Cf. Momigliano 1963, 85, "the shrewd and worldly adviser"; Quasten 1983, vol. 3, 310, "chief theological adviser"; Ehrhardt 1959–1969, vol. 2, 287, "der Einfluss von Eusebius theologischer Denkweise auf Konstantins politische Konzeption [ist] deutlich erkennbar."

9 Barnes 1981, 266. Warmington 1998, vol. 2, 269, observes that no greater number can be proved for Ossius of Cordoba, who still is considered a key adviser.

10 Cameron 1983, 83–84; see also Williams 2008, 25–57.

group composed of “experts in universal wisdom,” intellectuals “acquainted with divine as well as mortal science” (οἱ δ’ αὐτῆς μύσται τῆς καθόλου σοφίας, θείων ἐπιστήμης ἅτε καὶ ἀνθρωπίνων ἐπήβολοι), who had been “initiated” into the divine mysteries of which he will speak. Such comments suggest that his triumphant proclamation of Constantine’s Christianity was delivered to an audience that was primarily, if not exclusively, Christian.¹¹

This said, the oration, like Eusebius himself, remains singularly important. It is unique, even if only because Eusebius chose to append it to the *Life*, and it is the first of its sort to be delivered by a Christian bishop to a Christian emperor. Moreover, his audience, while small, was certainly not insignificant. It was an elite group, privileged to enter “the sanctuary of the holy palace, that innermost, most inaccessible of places” (Prol. 4). It included palace officials and imperial lifeguards, whose presence Eusebius also acknowledges.¹² Eusebius refers to one of Constantine’s sons, Constantius II, in a way that indicates he also was present,¹³ made likely by the fact that his marriage to a daughter of his uncle Julius Constantius was celebrated as part of the festivities.¹⁴ Conceivably, the other *caesares* who are praised in this passage also were present, although acknowledgment in their case is less direct.

More important for present purposes is the emperor’s attendance, which automatically made this an official event, no matter the size or makeup of the audience. Eusebius’ Tricennial Oration accordingly falls into the general category of *basilikos logos*, a “royal address” in which the orator used the ceremonial occasion—an imperial visit (*adventus*), birthday or other anniversary, or any number of other pretexts¹⁵—to celebrate the ruler’s deeds and virtues. The content of such speeches varied little, and surviving handbooks taught amateurs how to put one together. If nothing else, such speeches were an opportunity to demonstrate loyalty and allegiance. But skilled orators could use praise of the ruler’s qualities and contrast with the condemned acts of less worthy rulers to indicate a direction for imperial policy. In an address at mid-century for instance, Themistius, who came closer than any other speaker in the fourth century to being an official panegyrist, laid out a case for religious diversity

11 For an argument that the *Vit. Const.* was directed at a pagan audience, see Cameron 1983, 81.

12 At *Laus Const.* 9.11, where he refers to Constantine’s “ministers and servants, dedicated to God, men distinguished by the most reverent and virtuous of lives, . . . and his faithful lifeguards.”

13 At *Laus Const.* 3.4, Eusebius uses the demonstrative “this [son] here” (ὧδε μὲν) when speaking of the son designated by Constantine to rule in the East (i.e., Constantius II).

14 PLRE 1, 226.

15 Russell/Wilson 1981 translate a rhetorical handbook from the period. On the genre, see from a large literature Noreña 2001; Lassandro 2000.

to the emperor Jovian, and speeches were one of the means by which *literati* appear to have lobbied Jovian's successor Valens for a new war against Persia.¹⁶ Because of the imperial presence, we may assume that no speaker would have said anything that directly contradicted the wishes of his royal auditor. Thus, despite their fulsome and to us highly rhetorical flavor, such speeches are important because in this period they frequently were the means by which political discourse and commentary were conducted.¹⁷ It is therefore significant that Eusebius used his address not simply to congratulate Constantine but also to lay out the lines of a Christian monarchy. As Baynes showed, Eusebius borrowed heavily from existing theories regarding the emperor's duty to educate his subjects and his relationship to divinity. But the way he juggled and modified these theories helps us define the grounds for contested monarchy in this century. As a result, the LC remains a necessary starting point for a study of the difference a Christian emperor made to the concept of monarchy in the fourth century.

To hear Eusebius tell it, there was no contest. The emperor system had been in place for centuries by the time Eusebius spoke, and it had been preceded an equal length of time by the Hellenistic kingships that initially gave rise to the type of tract that, as Baynes demonstrated, Eusebius relied upon. Unsurprisingly, then, Eusebius takes monarchy for granted. So certain was he of its superiority to aristocracy or democracy that he even used it to support his case for monotheism. "Monarchy," he observes at one point, "excels all other kinds of constitution and government. For rather do anarchy and civil war result from the alternative, a polyarchy based on equality." He continues, "For which reason there is One God, not two or three or even more. For strictly speaking, belief in many gods is godless."¹⁸

To this point, Wallace-Hadrill appears to be correct in thinking of Eusebius' oration as a specimen of tamed Christianity. Further apparent support comes from later in the century. In a youthful work, John Chrysostom, the fiery Antiochene priest best known for his later clashes with the imperial family as bishop of Constantinople, used the difference between those who love wealth and power (*δυναστεία*) and those who love wisdom to reflect on the difference between earthly and spiritual rule. He begins with a standard classical theme, the importance of self-control:

16 On Themistius' oration to the emperor Jovian, see Daly 1971; Vanderspoel 1995, 135–154; Drake 2001. On attempts to influence Valens, Lenski 2002, 185–196.

17 So Cameron 1991, 129–130; on the *basilikos logos* see further Haake 2003.

18 ἀκριβῶς γὰρ ἄθεον τὸ πολύθεον: *Laus Const.* 3.6.1.

For he is a king who truly rules over anger and envy and pleasure, who commands all things under the laws of God, who keeps his mind free, and who does not allow the power of the pleasures to dominate his soul. . . . But the one who seems to rule over men, but who is enslaved to anger and to the love of power and pleasures, . . . will appear quite ridiculous to his subjects. . . . For if a person is unable to rule himself, how can he guide others rightly by the laws?¹⁹

This topic was a staple of the rhetorical schools, and this much of what Chrysostom has to say echoes traditional sentiments. Eusebius made a similar point in his oration.²⁰ But Chrysostom strikes out on a new path when he equates “philosophy” with “the solitary way of life” (τὴν μονήρην διαίταν) for by this device he is able to replace the philosopher with the new Christian solitary, the monk. The resulting work, *A Comparison between a King and a Monk*, bristles with revolutionary sentiment.

Chrysostom parts company with his models by assigning to all monarchs the traits traditionally reserved for the tyrant. Never, in Chrysostom’s reckoning, can the king be expected to rule in the interest of his subjects. As another passage shows, he thought this was consistently so, whether a king was victorious or defeated:

For when he is vanquished he fills his subjects with his own misfortunes, but when he conquers he becomes unbearable, adorning himself with trophies, becoming haughty, allowing his soldiers license to plunder, despoil, and injure wayfarers, to besiege idle cities, to ruin the households of the poor, to exact each day from those who have received him what no law allows, on the pretext of some ancient custom, illegal and unjust.²¹

On rare occasions, Chrysostom concedes, a king may appear “to have administered his reign justly and with philanthropy,” but even in such a case the king falls well below the honor that is owed the monk.²² This is a radical shift. Classical theory held open the possibility of philosopher-kings, and Eusebius explicitly claimed this status for Constantine.²³ In Chrysostom’s estimation,

19 *Comp.* 2, trans. Hunter 1988, 71.

20 *Laus Const.* 5.3: “How can he be ruler and lord of all who has bound himself to countless malignant masters, who is a slave of shameful pleasures, a slave of unbridled lust, a slave of ill-gotten gain, a slave of ill-temper and wrath, a slave of fear and frights, a slave of bloodthirsty demons, a slave of soul-destroying spirits?” See further Chesnut 1986, 231–251.

21 *Comp.* 3.3, trans. Hunter 1988, 72.

22 *Comp.* 4, trans. Hunter 1988, 75.

23 *Laus Const.* 5.4. The locus classicus for the philosopher-king is Socrates in Plato’s *Republic* 5.473d.

the king is not merely inferior to the philosopher-monk; he is by definition incapable of virtue, corrupted by the very nature of his office.

What accounts for this astonishing difference? The most obvious reason is that Chrysostom was not, like Eusebius, speaking in an official capacity and in the monarch's presence. The difference is significant. The writings of another firebrand, Bishop Athanasius of Alexandria, testify to the important difference direct interaction with the emperor could make. Athanasius' staunch defense of Nicene orthodoxy and bellicose temperament put him into a prolonged conflict with Constantine's son and successor in the East, Constantius II, who comes in for vicious assaults in Athanasius' writings. Yet, for all that he said behind Constantius II's back, in an *apologia* he addressed to him directly Athanasius was careful to observe all the protocols of imperial discourse, stating repeatedly that Constantius' rule came from God—a sentiment that for Christians traces ultimately to St. Paul.²⁴ That Athanasius felt obliged to rein in his rhetoric even in a written communication serves as a powerful reminder of the dampening effect of speaking in the imperial presence.

A more important clue lies in the exempla on which Chrysostom relied, all of which came from the Hebrew Bible. As is well known, save for St. Paul's admonition used by Athanasius, the New Testament provided little guidance to Christians on how to interact with worldly rulers, and none at all on their relationship with an emperor of their own faith. So little likely did such a possibility seem to leaders of the early church that prior to the fourth century the statement which to modern ears is programmatic for the separate realms of church and state—Jesus' admonition to "Render unto Caesar the things that are Caesar's, and unto God the things that are God's"—was taken to apply only to spiritual priorities.²⁵ But what Christians called the "Old Testament" was larded with examples of interaction between rulers and priests or prophets, and here Christians found a more useful message. Kings in the Hebrew Bible are chosen by God, but they are anointed by priests, and good kings are those who submit to the authority of priests and prophets.²⁶

Chrysostom is only one Christian in the fourth century who drew inspiration from this subversive message. Another, who is even better known for his skill at exploiting Hebrew exempla, was Ambrose of Milan. In a famous confrontation with the emperor Theodosius I in 388 over destruction of a

24 Viz. *Apol. Const.* 10, 34. For Paul, *Rom.* 13.1–2. Setton 1941, 103, nicely sums up the difficulty: "It was one thing to think ill of the Emperor; it was quite another to stand in the Sacred Presence and speak ill of the Emperor." See further Barnes 1993; Nordberg 1963.

25 *Matt.* 22.21. On use of this phrase in the fourth century, see following, at n. 56.

26 On use of the Hebrew Bible, see Rapp 2010.

synagogue in the eastern frontier town of Callinicum, Ambrose took advantage of the emperor's presence at mass to preach a wide-ranging sermon on the general theme that God rewards with victory and riches those people who please him and listen to his prophets.²⁷ He harped particularly on the victories of Joshua and Nathan's chastisement of King David. It would seem that these biblical exempla would have little to do with the case in hand, especially the confrontation between David and Nathan, which arose over David's murder of Uriah the Hittite to gain the beautiful Bathsheba.²⁸ But as Ambrose tells it in a gloating letter to his sister (and posterity) that he wrote after the event, Theodosius got the point. "When I came down from the pulpit," he wrote, "he [Theodosius] said to me, 'You spoke about me.'"²⁹

Chrysostom surely intended his hearers to respond to his use of the examples of kings Achab and Hezekiah³⁰ in the same way, for the monks Chrysostom praised were contemporary figures, as distinct a phenomenon of the fourth century as was the Christian emperor. But why did Chrysostom respond to the rise of Christian emperors so differently from Eusebius? If this work is as early in Chrysostom's career as its style suggests, the emperor he probably had in mind was either the apostate Julian—long gone physically, but still active in the Christian imagination—or the recently departed Valens, whose Arian leanings made him equally burdensome to Nicene Christians.³¹ With more experience of the Nicene Theodosius, Chrysostom might well have tempered some of the bitterness of his characterization, but his later writings, and even more his tumultuous career in Constantinople, show that in fundamental ways his concept of the relationship between imperial and priestly authority did not change.³²

With Chrysostom we undoubtedly have an "aggressively Christian" appropriation of classical themes that makes Eusebius' oration by comparison seem very tame indeed. The bishop of Caesarea betrayed no such qualms about monarchy, either in the LC or the VC, where he simply takes dynastic succession for granted.³³ In the latter work, he too used Hebrew exempla, but in such a way as to exalt, not undermine, imperial authority. In his account of

27 Ambrose repeats the sermon for his sister (and posterity) in *Ep.* 51(15).

28 2 *Sam.* 11–12.

29 *Ep.* 51(15).27.

30 *Comp.* 4.

31 The work has been dated as early as 367. Hunter 1988, 39, prefers a date "not long after 379." On the long shadow cast by Julian, see Wilken 1983, 128.

32 See Groß-Albenhausen 1999, 158–200; Stephens 2001; Stephens 2009.

33 At *Vit. Const.* 1.9.2, Eusebius describes the transmission of rule from father to son as a "natural law" (θεσμῶ δὲ φύσεως). Van Dam 2007, ch. 11 argues that Eusebius' depiction of Constantine was influenced by his Arian theology.

the decisive Battle of the Milvian Bridge in 312, Eusebius enhanced the story of Constantine's miraculous Vision of the Cross by likening the drowning of Constantine's opponent, Maxentius, in the Tiber to the death of pharaoh in the Red Sea in Exodus (15: 4).³⁴ If Maxentius was a new pharaoh, then Constantine had to be a new Moses.³⁵ This positive attitude is certainly one reason Eusebius was selected to deliver a *basilikos logos*, as Chrysostom never was.

But to say that Eusebius did not contest monarchy as a form of government in the fourth century is not to say that he did not contest the nature of a Christian monarchy. While not as explosive as Chrysostom's writing, Eusebius' oration contains a hidden charge that is just as devastating. It consists in the overwhelming emphasis Eusebius places on Constantine's piety, a noticeable feature of the Tricennial Oration.

By itself, there is nothing strange about this emphasis.³⁶ Because the debate over the best type of state had been settled so decisively in favor of monarchy, the discussion over the best type of rule in Late Antiquity had come to focus instead on the virtues of the ruler. These were the four cardinal virtues—which four they were depends on whom you ask, but something akin to the four inscribed on the shield dedicated to Augustus by the senate at the very start of the empire usually appears: *virtutis clementiaeque iustitiae et pietatis causa*, translated by Martin Charlesworth in a landmark article as “bravery, clemency, justice, and sense of duty.”³⁷ Here is where the most important debates over the role of government now took place, as speakers juggled the significance of each virtue in a way that presumably reflected the strengths and interests of their imperial auditors. Difference in emphasis is part of the juggling that any orator would do to project his subject's priorities, and given that Eusebius' subject was a Christian emperor, it is no surprise that he placed Constantine's piety ahead of all the other virtues.

The way Eusebius deploys the term is slightly more noteworthy, since he uses it less in the classical sense of “duty” and more in our own sense of divine worship. It is tempting to say that this sacral role assigned to the emperor is the place to look for a contest over monarchy in the fourth century, but in fact the sacral nature of the emperor was not the issue. In another “good king” treatise from this century, the author explains that “by a king, I mean one who is really worthy of the name, . . . one who is aware of God and discerns

34 *Vit. Const.* 1.38; the account of Constantine's vision occurs at 1.28.

35 Becker 1910; Cameron 1997, 158–161; Rapp 1998; Williams 2008.

36 Diefenbach 1996.

37 Charlesworth 1937, 111–112; Wallace-Hadrill 1981 challenged the existence of a precise canon; on the importance of these virtues to a new sense of “cosmic order,” see Nuffelen 2011, esp. 19–20, 106–108.

his nature because of his affinity with him, and being truly wise bows to the divine authority and yields the supremacy to God.” Like Eusebius, this author emphasizes the importance of paying reverence “to the higher power” (τοῦ κρείττονος) and defines virtue as being “scrupulously devout” (τὴν εὐσέβειαν τὴν κρατίστην). Like Eusebius, this author characterizes the “genuine ruler” (ἀλήθως ἄρχοντα) as the “prophet and vice-regent” (προφήτην καὶ ὑπηρέτην) of the highest god, and lists first among the traits of the one “who is good and kingly and great-souled [μεγαλόφρονα]” nothing other than the fact that “he is devout and does not neglect the worship of the gods [θεραπείας θεῶν].”³⁸

These words are as effusive as anything Eusebius wrote, and if anything even more theocratic. Yet as use of the plural, “gods,” shows, they do not come from the pen of a bishop or even a Christian. They belong to the ardently anti-Christian emperor Julian. Julian was still officially a Christian when he wrote this oration, but these words come from a long digression on the ideal king that was clearly tailored to his own predispositions. They show that despite his supposed wish to return to the model of rule that prevailed during the Principate, in this sense at least Julian remained a child of the fourth century.³⁹

There is no need here to rehearse the complicated genealogy of Julian’s religious ideas, since the point is one that can be substantiated by any number of references in imperial panegyrics, pagan or Christian: while there was some dispute in the fourth century over the identity of divinity, there was no dispute at all over the prime obligation of the emperor to maintain the goodwill of that divinity on behalf of the empire.⁴⁰ In their emphasis on the emperor’s religious role, as in so many other ways, we should see Christians like Eusebius responding to existing values rather than creating or imposing new ones.

The underlying reason for this agreement about the role of the emperor is also important: both pagans and Christians in this age believed that divinity was not some distant regulator but an immanent force that was operative in human affairs on a day-to-day basis. It follows from this premise that divinity was therefore the decisive factor in determining the success or failure of a given enterprise. In this sense, it can be said that the primary role of the ancient state—any ancient state—was religious, and for this reason, while we have no difficulty distinguishing between “secular” and “religious” duties, such distinctions did not come readily to the ancient mind, least of all to the late-antique mind.

38 *Iul. Or.* 2.70C–D, trans. Wright 1913, 187–189.

39 On this oration and Julian’s religion, see Tougher 2007; Smith 1995.

40 Drake 2007. On the religious role of the emperor, see further Bellen 1997; Meier 2003b.

If there is a detonator in Eusebius' rhetoric, the place to find it is not in his emphasis on piety but in the way he defined this virtue. One of the ways Eusebius drew on his Hellenistic predecessors, as Baynes observed, was his image of the Roman empire as a visible representation of the heavenly kingdom (LC 3.5–6). As part of this imagery, the emperor sat as the earthly counterpart of his divine “friend,” or *comes*.⁴¹ But Eusebius goes far beyond his models by positing a cosmic struggle in which the emperor is also the earthly analogue. Just as “our common Universal Savior, by invisible and divine power, keeps the rebellious powers—all those who used to fly through the earth’s air and infect men’s souls—at a distance,” Eusebius declaims, so “His friend, armed against his enemies with standards from Him above, subdues and chastises the visible opponents of truth by the law of combat” (LC 2.3).

To Western scholars raised to regard all rulers as completely secular, this correlation has often seemed little short of scandalous. But it is an attitude toward monarchy that prevailed even in the West—through the premise of the “divine right” of kings—until relatively recent times. More important, modern readers need to remember the hidden corollary to the effusive praise that characterizes this form of address: the power to praise is also the power to set the standards by which the subject of this adulation will be judged. As scholars have not been slow to point out, Eusebius had his own agenda, which he put forth not, like Chrysostom, by direct confrontation, but by seizing on points of agreement that he could turn to his own purpose, while passing over more sensitive issues in silence.⁴² Raymond Van Dam has observed that fourth-century theologians in general used the emperor to work out their own ideas about God, none more so than Eusebius. By glorifying Constantine and endowing him with traits of the Logos, Van Dam argues, Eusebius was in fact justifying his own subordinationist view of the relationship between Father and Son in the Trinity.⁴³ With ears attuned to such nuances, the hidden detonator in Eusebius' rhetoric emerges.

At the same point in the LC where he aligns the emperor with a cosmic battle, Eusebius praises Constantine for removing from the empire “the filth of godless error.”⁴⁴ To be sure, there are precedents in Hellenistic thinking for the idea that the good king must educate his subjects to know and recognize the Higher Good, and Johannes Wienand has recently argued that

41 On the importance of the divine *comes* (“friend” or “companion”) see Baynes 1934; Nock 1947; Wienand 2012, 441–445.

42 Drake 1976, 47–49.

43 Van Dam 2007, 292–293, 312–313.

44 *Laus Const.* 2.5: πάντα ῥύπον ἁθέου πλάνης.

this Christianized version of the philosopher king was indeed to some extent Constantine's own definition of his tutorial role.⁴⁵ But to undertake the task of eradicating "error" is, so far as I can tell, without precedent in this particular form of oratory. What does Eusebius mean by this phrase? As so often in this oration, what Eusebius says could mean different things to different hearers.⁴⁶ Clerics in the audience, especially those who had attended the recent council that deposed the extremist Marcellus of Ancyra, might well have thought of the emperor's role in combating heresy, since just before this claim Eusebius referred to the way the emperor "subdues and chastises the visible opponents of truth" (2.3). Contrariwise, the fact that immediately before making this assertion (2.4) Eusebius spoke of how the emperor "summons the whole human race to knowledge of the Higher Power, calling in a great voice that all can hear and proclaiming for everyone on earth the laws of genuine piety" could just as easily have led pagan hearers to think of the teaching function that was the traditional role of the philosopher-king. With the ability readers have, however, to examine the text more closely, yet a third meaning emerges. In chapter three, at the point where he extols the superiority of monarchy to polyarchy, Eusebius also equates monotheism with the one, polytheism with the other. Then, turning an ancient argument on its head, Eusebius asserts, "For strictly speaking, belief in many gods is godless."⁴⁷ Eusebius uses the term ἄθεος eleven times in the LC, which makes this term one of the oration's high-frequency words.⁴⁸ In every instance beyond the two already cited, Eusebius uses the word in conjunction with either pagan gods or demons, or persecutors. At LC 6.21, Constantine opposes idols and "his godless foes"; at 7.21, "the evil devices of polytheism" produce "godless falsehood"; persecutors wage war "both godless and merciless" (7.6), killing the pious "with godless spirit" (7.12), whereas Constantine has "even saved the godless" (7.12). At 9.8, "god-defying giants" and hissing serpents loose "godless voices," and at 9.13 Constantine's new buildings stand as "evidence of the refutation of godless tyranny." Only once is Eusebius even potentially vague, which is when he exults in his peroration, "No longer as formerly do the babblings of godless men fill the royal chambers"—a reference that could be to "heretics"; but even here the apposition is with "priests and celebrants of God" who "now keep solemn festival with hymns to the royal piety" (10.5). The obvious contrast even in this passage is with pagan priests.

45 Wienand 2012, 400–420, 468–482. On imperial representation, see Martin 1984; Smith 1997; Smith 2000. On Hellenistic kingship theory, see Nuffelen 2011, Strootman 2014.

46 Drake 1976.

47 *Laus Const.* 3.6, see footnote 18, this chapter. For the polytheist argument that Christian denial of the gods made them atheists, see Schoedel 1973; Simpson 1941.

48 2.5 (x2), 3.6, 6.21, 7.2, 7.6, 7.12 (x2), 9.8, 9.13, 10.5. On word frequency, see Drake 2010.

This is not the place to get bogged down in a debate over what Eusebius' scorn for "godless error" signals about Constantine's own policy; for present purposes, it is sufficient to note that the contrast Eusebius draws in this oration is not between "Christianity" and "paganism" but between "monotheism" and "polytheism." As Julian's language shows, there was something of a *lingua franca* in fourth-century religious vocabulary, revolving around vaguely monotheistic terms such as "higher power" and "greatest god," frequently expressed through solar symbolism (just as Eusebius himself does elsewhere in his oration).⁴⁹ This was a *lingua franca* that Christians and pagans were both comfortable using and hearing. Jews, too, could participate in this particular discourse, as discovery of Sol mosaics in fourth-century synagogues in Palestine has shown us.⁵⁰ Given the lack of a Christian monopoly on monotheistic forms of belief, and the prevalence of pagan forms of monotheism, to emphasize the superiority of monotheism over polytheism, especially by equating it with monarchy itself, was hardly a clarion call for religious revolution.⁵¹

If this urge to eradicate "godless error" cannot be called a "detonator," it most certainly was a time bomb. As the fourth century progressed, suppression of variant belief rapidly became one of the markers by which Christians measured a good king. As early as the reign of Constantine's sons, imperial rhetoric not only denounced the "madness" of traditional religion but also called for the closing of the temples, and Constantius II actually carried through with some of these measures in his famous visit to Rome in 357, when Augustus' Altar of Victory was removed from the senate for the first time.⁵² By the end of the century, Ambrose's conflicts, real and imagined, with the imperial court in Milan provide the best examples of "contested monarchy" in this or any other century. Two statements in particular have achieved iconic status. In a letter to Valentinian II, Ambrose laid down the principle that "the emperor is in the Church, not above the Church,"⁵³ and in the clash with Theodosius I over destruction of Callinicum's synagogue discussed earlier, Ambrose demanded that in cases where imperial law goes against the interests of the church, it is the law, not the church, that must yield.⁵⁴

49 Viz. *Laus Const.* 3.4, picturing Constantine in a solar chariot. On Eusebius' language, Tantillo 2003; on solar symbolism, Wallraff 2001; Drake 2009.

50 Dothan 1983, 39–43.

51 On pagan monotheism, see the essays in Athanassiadi/Frede 1999 and the review by Barnes 2001. For useful nuancing, see Mitchell/Nuffelen 2010.

52 *Cod. Theod.* 16.10.2; Altar of Victory: Sheridan 1966; Klein 1972; Rosen 1994.

53 *Ep.* 75(21).36: *imperator enim intra ecclesiam, non supra ecclesiam est.*

54 *Ep.* 74(40).11: *Sed disciplinae te ratio, imperator, movet. Quit igitur est amplius? disciplinae species, an causa religionis? Cedat oportet censura devotioni.*

With statements such as these we seem at last to have found the contest in “contested monarchy”: it would seem to be a clash between the rights of the church and the rights of the state, such as continued for most of the rest of Western history. But this conclusion misrepresents the true nature of the contest. In our own imaginary, the concepts of “church” and “state” are so clearly defined that we routinely divide particular actions into “secular” and “religious” categories; indeed, we need to do so in order to conduct a proper analysis. The difference is so deeply engrained in our worldview that it takes a conscious act to remember that someone in the fourth century would have had difficulty understanding what we were talking about. The ancient state was always also a religious institution, in the sense that a primary duty of public officials—those we customarily label “secular” officials—was to maintain good relations with divinity.

Never was this more true than in the period we are studying. To be sure, Christians had always had a sense of themselves as a “church,” a nation apart, and centuries of struggle with public officials had helped to cement that separate identity. But as Eusebius’ statements testify, Christians still recognized the sacral role of the Roman emperor. Even the statement that today we take as the definition of church and state, Jesus’ call to “Render unto Caesar the things that are Caesar’s and to God the things that are God’s,” was read very differently by early Christians, who used it to indicate the need to honor earthly obligations.⁵⁵ Significantly, the first use of this programmatic phrase in the sense we now take for granted only comes in the fourth century from the pen of Bishop Ossius of Cordoba, writing to the emperor Constantius II. “It is written,” Ossius argues, “‘Render unto Caesar the things that are Caesar’s, and unto God the things that are God’s.’ Neither therefore is it permitted unto us to exercise an earthly rule, nor have you, Sire, any authority to offer sacrifice.”⁵⁶

What is significant about this statement is not just that it arises so relatively late in Christian thought, but also that it provides an important contrast by which to gauge Ambrose’s own pronouncements. Ossius was attempting to convince Constantius that he should not attempt to dictate orthodoxy to the bishops; accordingly, he tried, however tentatively, to separate the authority

55 So 1 Peter 2.13–17: “Submit yourselves to every human institution for the sake of the Lord, whether to the sovereign as supreme, or to the governor as his deputy for the punishment of criminals and the commendation of those who do right. For it is the will of God that by your good conduct you should put ignorance and stupidity to silence. . . . Give due honour to everyone: love to the brotherhood, reverence to God, honour to the sovereign” (New English Bible translation).

56 οὐτε τοίνυν ἡμῖν ἀρχειν ἐπὶ τῆς γῆς ἔξεστιν οὐτε σὺ τοῦ θυμῶν ἐξουσίαν ἔχεις, βασιλεῦ. Ossius apud Athan. *Hist. Arian.* 44.7–8, Opitz 1935–1940, vol. 2.1, 208. On use in the fourth century, Dagron 2003, 148.

of emperors and bishops. Ambrose was doing no such thing. In his mind, the tie between what we call church and state was very much intact. In both of his statements, he was not arguing for the separation of church and state but for the priority of church over state.

With this distinction in mind, we can now return to Chrysostom and Athanasius, for in their writing are words and concepts that will allow us to identify the grounds of the contest more precisely.

Of the many revolutionary positions Chrysostom takes in his *Comparison of a King and a Monk*, perhaps the most pertinent for present purposes is the distinction he draws between the attitude of the king and the monk toward the poor. At 3.3, Chrysostom scorches the king for exploiting the poor to the benefit of the wealthy “on the pretext of some ancient custom.” By contrast, the monk ministers to the poor, shares their meager fare, and opens the way to their salvation. The contrast is stark: where the king only knows how to injure the poor, Chrysostom observes repeatedly, the monk gains salvation by sharing their burden and ministering to their needs. This new attention to the poor has drawn significant attention in recent scholarship.⁵⁷ Beginning with Constantine, Christian emperors diverted large amounts of state resources to bishops for the specific purpose of caring for the poor. Bishops also gained the power to adjudicate disputes. These resources and powers put bishops into competition with the elites who had traditionally carried out these responsibilities as patrons to their large clienteles. What this redistribution amounts to is the emergence of a new power elite. In large cities like Rome, bishops advertised their new powers by traveling with the finery and cortege of traditional patrons, prompting one leading senator to quip that if he could be bishop he would gladly become a Christian.⁵⁸ Significantly, the apostate emperor Julian’s efforts to undermine Christian authority included a major redirection of these resources to a new pagan clergy, whom he encouraged to follow the example of the Christians by using these funds for poor relief.⁵⁹ With such resources, bishops like Ambrose could solidify the already strong ties that their pastoral role gave them with their congregations, providing them with ready-made foot soldiers in a crisis—as Ambrose was not slow to remind Theodosius, warning that clergy could not be expected to keep the peace “when they are themselves roused by some wrong done to God, or by an insult to the Church.”⁶⁰

57 Brown 2002; Drijvers 2004; Brown 2012.

58 The story, involving the senator Praetextatus and Pope Damasus, is told in Jer. c. *Ioh.* 8 (PL 23, 377).

59 Iul. *Ep.* 49 (430b–d).

60 *Ep.* 74(40).6, trans. Liebeschuetz/Hill 2005, 94.

Raymond Van Dam is surely right to conclude that “Both Constantine and Eusebius would have been astonished” at the deference Theodosius showed Ambrose.⁶¹ But it is worth pausing at this point to consider the implications of this confrontation for our evaluation of Eusebius. Was Ambrose bolder, and more aggressively Christian, than Eusebius? Certainly. But there is an important difference in these two examples of imperial-episcopal interaction: Ambrose’s confrontation with Theodosius occurred during mass, where he had complete control, as opposed to the palace, where Eusebius spoke and where, as Neil McLynn argues, Ambrose was far less effective.⁶² In the letter to his sister, Ambrose asserts that he refused to continue with the mass until he had Theodosius’ promise to revoke his decision.⁶³ Even if their conversation was *sotto voce* rather than loud enough for all to hear, the congregation would have become increasingly aware that the rhythm of the service had been interrupted, and this in turn would have put pressure on Theodosius to make the concession. This is undoubtedly one reason that Constantine never attended mass.⁶⁴

Eusebius was more elliptical in his assertions, but arguably no less bold. For the missing “detonator” in his courtly language, we must look not to Ambrose, but once again at Athanasius’ *apologia* to Constantius II. Athanasius wrote this work in hiding, having evaded arrest by Constantius’ soldiers in Alexandria. The underlying conflict between the two was Constantius’ wish to impose unity on the factions that had been at odds since the outbreak of Arianism during his father’s reign, and Athanasius’ staunch refusal to accept anything less than the Creed adopted at Nicaea in 325—the same intransigence that had led to his first exile, by Constantine, in 335.⁶⁵ The charges against Athanasius were not only theological: he stood accused of conspiring against the emperor in his relations with both Constantius’ late brother Constans and the recently defeated usurper Magnentius. Athanasius writes as if he were speaking in Constantius’ presence, which might have been his original intent. But buried amid his courtly language is the kind of statement that got the Alexandrian bishop into trouble with more than one emperor. In chapter 12, after strenuously objecting to the

61 Van Dam 2007, 352.

62 McLynn 1994, 303; Groß-Albenhausen 1999 is similarly skeptical of Ambrose’s own evaluation of his influence.

63 *Ep.* 74(40).28.

64 At *Vit. Const.* 4.17, Eusebius praises Constantine for, in effect, conducting services for his court in the palace, evidently meant to compensate for his failure to attend mass. Cf. *Vit. Const.* 4.22 and *Laus Const.* 9.11. See further McLynn 2004.

65 For the circumstances under Constantine, Drake 1987. On his *Apology*, Barnes 1993, 123–124; Barnard 1977.

charges that had been brought against him, Athanasius observes that had these charges been put before any other official, he would immediately have followed the Apostle's example and appealed to the emperor. "But," he asks, "since they [Athanasius' accusers] have had the boldness to lay their charge before you, to whom shall I appeal from you?" A good question, since in the Roman system of government there was no appeal beyond the emperor. But Athanasius continues by providing an answer to his own question: he will appeal, he asserts, "to the Father of Him who says, 'I am the Truth,' that He may incline your heart into clemency."⁶⁶

Here is where the explosive potential of Christianity is revealed and the nature of the contest made evident. The Roman emperor, Christian or pagan, was accustomed, by law and practice, to think of himself as the final arbiter of everything in the empire. There was no topic beyond his reach, and no appeal beyond his judgment. Yet that is precisely what Athanasius proposed. No wonder so many emperors tried to kick him out of Egypt. Constantine, it is true, always professed his obedience to a Higher Power.⁶⁷ But it was one thing for an emperor to acknowledge such theoretical limits, quite another for a defendant in a trial to undermine his authority by asserting them. According to Epiphanius, what finally broke Constantine's patience with Athanasius and led to his first exile was the bishop's statement that "The Lord will judge between me and you, since you yourself agree with those who calumniate your humble servant."⁶⁸ One reason for Constantine's fury undoubtedly was this assertion that his judgment could be overruled.

Here, in these few words, are the grounds for contested monarchy: not over the sacral rights of the emperor or over the separation of church and state, but over access to the divine. In a culture that believed deity was immanent, that it took an active role in human affairs and proved to be the decisive force in all critical engagements—and let me repeat that there was no disagreement at all between Christians and pagans on this point—this access carried with it enormous secular power. Ambrose's demand for the priority of "church" over "state" must be read in the context of this cultural landscape. Indeed, his whole argument only makes sense in the context of the traditional understanding of the state as a religious institution, wherein rulers have a duty to maintain the goodwill of divinity. For centuries, Roman emperors had been the supreme

66 *Apol. Const.* 12. Athanasius quotes John 14.6.

67 At the outset of the *Laus Const.* (1.1), Eusebius praises Constantine for readily acknowledging a power higher than himself: "And I mean by 'Supreme Sovereign' the One who is truly supreme . . . nor will the sovereign who is present resent it, but rather will he join in praise of the divine teaching."

68 Epiph. *Haer.* 68.9.5, trans. Amidon 1990.

arbiters of this access. But over their centuries as outcasts Christians had opened their own, independent lines of access. Now that emperors were also Christians, they were for the first time challenged in this traditional right. The contest was not over separate space; it was over the same space.⁶⁹

This conceptual slippage is why it is both right and wrong to conclude that Eusebius' speech was an "aggressively Christian" appropriation of classical culture. His type of Christianity is palpably different from that articulated by Chrysostom in his *Comparison of a King and a Monk*. By comparison, Eusebius definitely signaled that as far as he was concerned, an emperor could be both a Christian and a Roman; in this sense, the detonator was indeed removed from the Christian message. At the same time, however, Eusebius' speech implied that Christians would hold the emperor to a novel standard when it came to tutoring his subjects. By adding the duty to reject "godless error" to his definition of the emperor's piety, Eusebius paved the way for bishops like Ambrose to demand action against heretics and unbelievers. If not a detonator, his speech in this sense certainly contained a ticking time bomb. That time bomb eventually exploded because bishops proved to be effective wielders of the power Constantine had placed in their hands. But this contest was not the result of a deliberate plan, on the part of either emperors or bishops. Rather, it happened because the means for emperors to share access to their most effective source of power had not yet been worked out. The contest over monarchy was a confused contest, one in which, to adapt Matthew Arnold's words, ignorant armies clashed by night.⁷⁰

69 I enlarge on this point in Drake 2011.

70 "Dover Beach" (1867), fourth stanza:

Ah, love, let us be true
To one another! for the world, which seems
To lie before us like a land of dreams,
So various, so beautiful, so new,
Hath really neither joy, nor love, nor light,
Nor certitude, nor peace, nor help for pain;
And we are here as on a darkling plain
Swept with confused alarms of struggle and flight,
Where ignorant armies clash by night.

Constantine, Rome, and the Christians

BRUNO BLECKMANN

INTRODUCTION

The relations between the emperor and various loyalty groups in the empire occupy a central place in accounts of the change in religious policy under Constantine.¹ Particularly important are the phases after civil wars in which large territories were seized and new relations between ruler and ruled had to be established and negotiated, that is, after the caesuras of 312, 316–317, and 324. This chapter is dedicated to the years after 312 and the relations between the emperor and the newly conquered imperial capital. This period is special insofar as in these years the emperor not only had to reconstitute his relations with various population groups in Rome but also, at the same time, had to formulate a claim to sole rule that could be justified to the whole empire by possession of the capital. The capture of Rome by Constantine led to new forms of exaggerated self-representation that targeted partly the city of Rome and partly the empire, and thereby contributed to changes in the relationship of the emperor to the conventional (pagan, Roman, and civic) and to the Christian religions.

Most striking is the connection between the capture of Rome and the “conversion” of Constantine as formulated in the well-known narrative of the late pagan Zosimus. Christianity and adherence to old Roman values there appear to be incompatible elements: Constantine’s refusal to perform the traditional rituals allegedly led to a confrontation with the senate and people of Rome in 326, and the founding of Constantinople will have been directed against Rome.² Constantine, as a Christian, thus failed to satisfy the civic traditions of Rome

1 On the conversion of Constantine, see first of all the comprehensive work of Girardet 2006. Girardet depicts a journey “vom Polytheismus über einen vagen philosophischen Henotheismus zum christlichen Monotheismus” (p. 155), but stresses above all the break in 311–312; see also Girardet 2010. A history of the conversion of Constantine that focuses less on the emperor than on the parts of the empire with which he communicated is offered by Van Dam 2007.

2 For an interpretation of the conversion of Constantine in connection with the visit to Rome in 326, see Zos. *Nea hist.* 2.29; cf. Paschoud 2000. The history of the break with Rome and the commitment to Christianity has left unclear traces in the Byzantine tradition; cf. Bleckmann 1995, 60–61. On the other traditions concerning the visit to Rome, see also Wiemer 1994.

and the population that clung to them. One thing that may be true in this variously distorted picture is that there indeed was a connection between the religious revolution introduced in 312 and the significance that the capture of the capital occupied in Constantine's self-representation. Any attempt to describe this connection is, however, hampered by a fragmentary and contradictory source basis.

CONSTANTINE'S BUILDING POLICY AFTER THE VICTORY OVER MAXENTIUS

Rome propaganda and Rome ideology were demonstrably still unimportant in the first years of Constantine's reign. From 312, by contrast, they naturally assumed the greatest significance after Constantine had prevailed over Maxentius in an unprecedented victory in battle before the gates of Rome and had entered the city in a ceremonial *adventus*. The traditional formulas of a supposedly Republican ethos were revived in the interpretation of the capture of Rome: Constantine was represented as the restorer of Roman liberty, and his defeated opponent Maxentius as a tyrant.³

At the same time, much was taken over from Maxentius with little difficulty. In his propaganda and self-representation, Maxentius, the "false Romulus,"⁴ had consistently pressed his advantage in that he was the only ruler at the time who resided in Rome; he presented himself as a kind of new founder and divine hero, as *conservator urbis suae*.⁵ Constantine could now play all these cards to stress his own special relationship with Rome to the exclusion of the other Tetrarchs. The great building projects from the era of Maxentius already under way or complete were normally not destroyed⁶ but were reinterpreted in a Constantinian sense (Figure 15.1). The so-called Basilica of Maxentius on the Forum, perhaps intended as an audience chamber, received a colossal statue in its western apse (initially the only one),⁷ which showed not Maxentius, but

3 Grünwald 1990, 64–71, on the coining of the concept of tyrant in Constantinian representation; Wienand 2012, 239–246, on the vilification of Maxentius in Constantinian representation.

4 *Pan. lat.* 12(9).18.1.

5 Cullhed 1994; Oenbrink 2006; Ziemssen 2007. In 2006, items unearthed near the Palatine Hill (3 lances, 4 javelins, 3 orbs, a scepter, and a standard base) have been identified (controversially) as the imperial insignia of Maxentius; cf. Panella 2011. I remain skeptical, however.

6 On the destruction of the camps and other installations of Maxentius' military support, that is, the praetorians and the *equites singulares*, cf. Hekster 1999, 740–743. Maxentius potentially had planned an extensive expansion of the Forum complex next to the basilica, which was, however, not carried out by Constantine; cf. the hypotheses of Döring-Williams 2004.

7 The basilica was thus focused on a sole apse also under Constantine, which raises the importance of the statue erected there. A second apse was added in the time of Honorius; see Cullhed 1994, 51. The focus on the west apse was perhaps increased even more because the center axis was further emphasized by the construction of a narthex; on this, see Döring-Williams 2004.

Constantine.⁸ The large double temple for Rome and Venus, the “Temple of the City” closely related to the basilica, was dedicated to the “Merits of Flavius.”⁹ The building projects on the Palatine, the substructure of the Circus Maximus, and the new baths complex on the Quirinal were likewise continued by Constantine.¹⁰ It cannot be excluded that even the triumphal arch was originally part of the comprehensive building program planned for Maxentius and only later was unveiled as a monument to Constantine’s victory and the liberation of the City of Rome by the arrangement of the *spolia* and the incorporation of appropriate reliefs.

Meager reports and meager remains presumably make it impossible to draw a complete picture of the work of transformation that Constantine undertook after his victory over Maxentius. Unknown, for example, is the location of the approximately fifty-meter-long Trajanic relief, with its echoes of Hellenistic art, before it was built into the Arch of Constantine.¹¹ This alone proves how thin the tradition and how uncertain the assessment of Constantine’s building program are, especially his imitation of the *optimus princeps*, which, as is well known, even led to a change in the contemporary imperial hairstyle.¹² New archaeological finds suggest that the Forum of Trajan in the center of the city may have been transformed by Constantine.¹³ Association with Trajan enabled Constantine to connect the ideology of the *optimus princeps* to the theme of military strength accepted by the senate and people. The emperor and his army were honored not only by the depiction of military scenes but also by the display of army standards in the city (e.g., on statues of Constantine).¹⁴

8 Whether the famous colossal statue of Constantine was a reworked statue of Maxentius is disputed; cf. Mayer 2002, 199, with n. 986. That would imply that the statue, presumably originally of Hadrian, had been first prepared for Maxentius, but then reworked for Constantine. On the dating to the time of Hadrian, cf. Evers 1991.

9 Aur. Vict. *Caes.* 40.26: *Adhuc cuncta opera, quae magnifice construxerat, urbis fanum atque basilicam Flavii meritis patres sacravere.*

10 Aur. Vict. *Caes.* 40.27: *A quo etiam post Circus maximus excultus mirifice atque ad lavandum institutum opus ceteris haud multo dispar.*

11 Hölscher 2002, 140.

12 R.-Alföldi 1963, 58; Schäfer 1999.

13 Cf. especially the colossal head of Constantine, which was probably taken from the Forum of Trajan, as an indication of the “Aneignung des ganzen Forums durch Constantin nach seinem Sieg über Maxentius”: Strobel 2010, 309. For a dating of the head late in Constantine’s reign, see Hannestad 2007, CII.

14 The standards of the legions and the praetorian guard, which decorated the Forum of Trajan, were perhaps updated—at least with respect to the dissolved praetorian guard. On the presumed altering of the inscriptions on the standard bases, see Strobel 2010, 309 n. 13. The *spqr optimo principi*-coins combining the legend and the depiction of standards are an exact copy of their Trajanic model. The three standards displayed there, however, are adapted to the contemporary *vexilla* types; cf. R.-Alföldi 1963, 58.

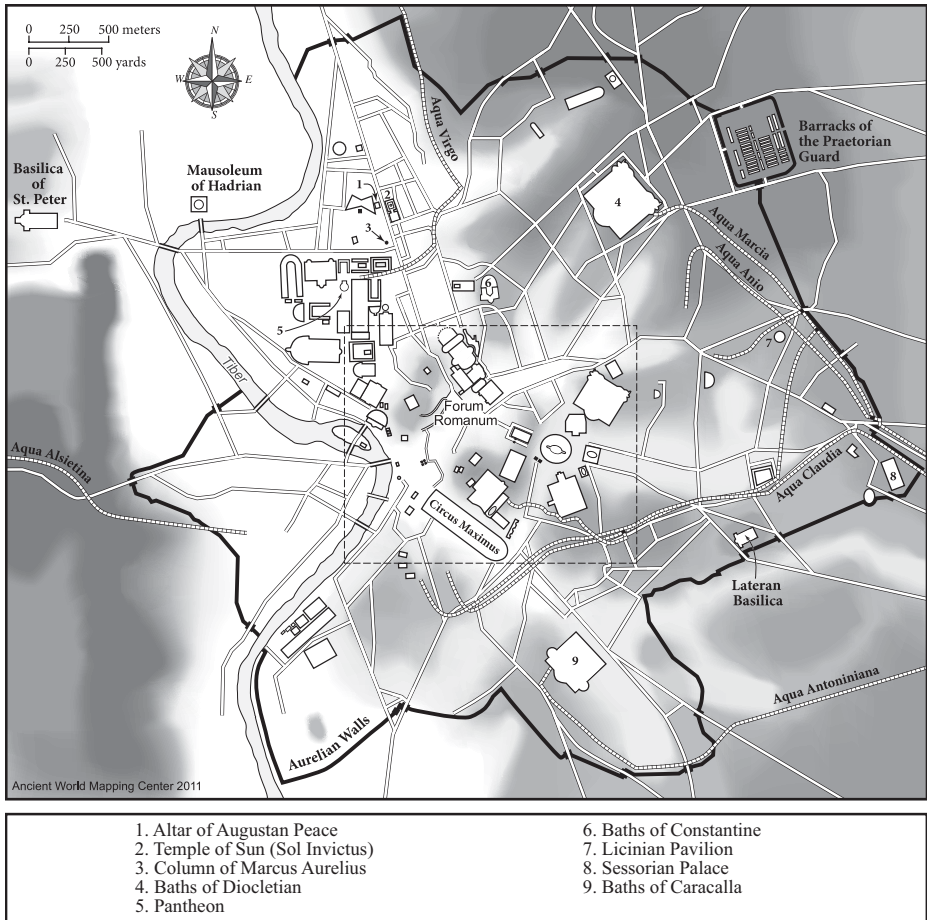
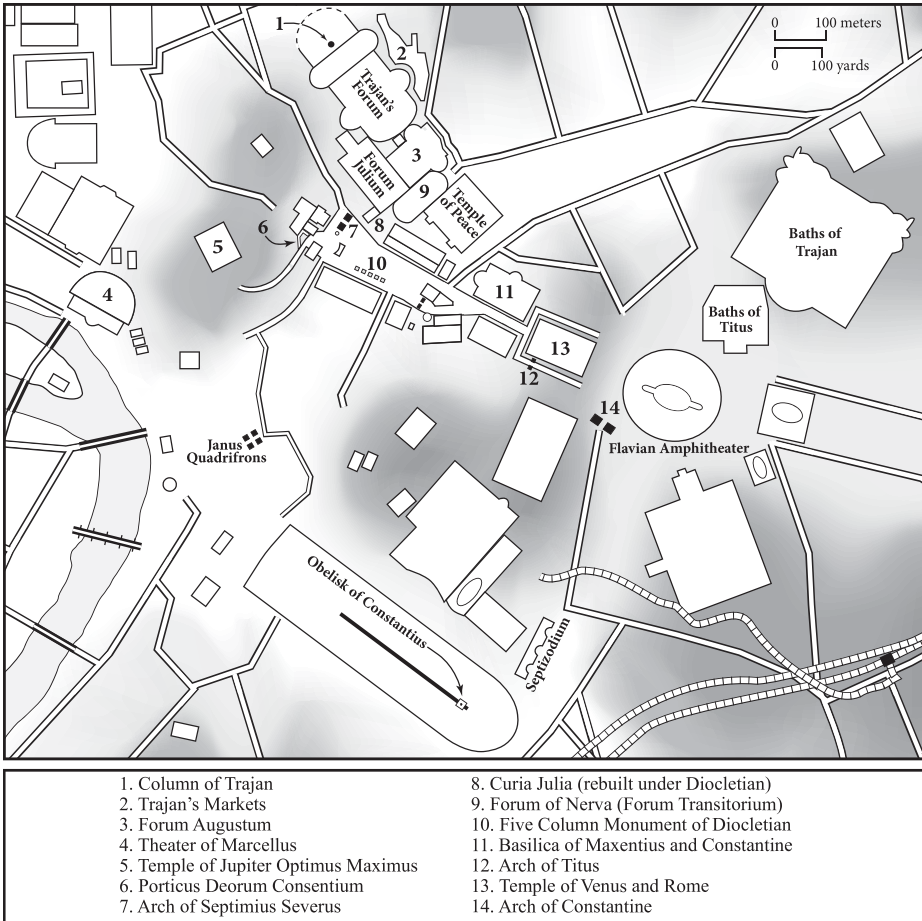


Figure 15.1 Map of the city of Rome in the age of Constantine.

Even if the extent and character of Constantinian renovations cannot ultimately be appreciated completely or his stylization as a new Trajan be assessed with precision, it is nonetheless certain that Constantine erected no completely new buildings of his own—excepting the special case of the arch—in the urban center. This fact has been interpreted as evidence that Constantine's Christian faith could not be manifested in building projects in the center of Rome out of respect for the senate, a majority of which was pagan.¹⁵ The true religious sympathies of Constantine could find expression only on the periphery of Rome, that is, in the basilicas and churches on the edges of the city and on property owned by the emperor (Figure 15.1). This dichotomy of center and periphery,

¹⁵ Holloway 2004, 16.



public and private, is disputable. Constantine hardly needed to disguise his true religious convictions, if one considers the real distribution of power, and there was in fact no lack of provocation even in the center of the city with the open and ostentatious depiction of a victory in a civil war.¹⁶

Instead of presuming a strict dichotomy of (less Constantinian) center and (more explicitly Constantinian) periphery, one should, with Steffen Diefenbach, conceive of different communicative spaces with different themes of imperial self-presentation.¹⁷ In the urban center, the traditional pseudo-Republican ideology of the Principate predominated in the depiction of Constantine, and the

¹⁶ That is in the imagery on the Arch of Constantine. On the contemporary reliefs, see Raeck 1998; on the civil-war theme under Constantine, see Wienand's contribution in this volume.

¹⁷ Diefenbach 2007, 82–89.

liberation of the city from the tyranny of Maxentius was celebrated. It complemented this ideology of liberation that several of the building projects of Maxentius that were financed and continued by Constantine were explicitly presented as dedications of the senate.¹⁸ Constantine thus followed the practice of the high Principate and especially Trajan, who did not honor himself in the building inscription of the Column of Trajan but rather allowed the senate and people of Rome to assume the role of honorands. In contrast, the dynastic idea could be expressed in some of the new, magnificent constructions on the outskirts of the city; for example, in the preparation of imperial crypts in the mausoleums of the burial churches, reference was perhaps made to the Christian cult of the martyrs.

Both communicative spaces, periphery and center, were given a certain uniformity in that the new Christian complexes—certainly, the newly built Lateran church on the site of the destroyed camp of the *equites singulares*—stressed the military strength of Constantine as vehemently as the buildings in the center and were perhaps “Trajanically” inspired in the same way as in the center. In distinguishing communicative spaces, one must always presume that the facets of Constantine’s self-presentation in the urban center represent him no less than those on the periphery. The same had been true of Maxentius: the juxtaposition of the monuments in the center of the city and the extra-urban complex on the Via Appia must have strongly shaped the representation of his rule. The latter site, which combined a mausoleum and an imperial villa with hippodrome, constituted a strong dynastic center inspired by the Tetrarchic palace tradition.¹⁹ The bipolar staging of the imperial presence sketched here for Rome would be repeated later in Constantinople:²⁰ there one center consisting of a forum and palace was juxtaposed to another consisting of the Church of the Apostles and mausoleum. It is perhaps only an accident of the archaeological records that the bipolar structure of Maxentius’ building program seems to exhibit far sharper contours than Constantine’s.

ROME AND HER DIVINE SAVIOR CONSTANTINE

If the traditional center promoted above all communication between the emperor and the other institutions of the Roman state, that is, the senate and *populus Romanus*, this did not occur, as one might expect, in respectful quasi-Republican forms. Constantine rather followed the precedent of Trajan,

18 *Aur. Vict. Caes.* 40.26.

19 See Ziemssen 2007.

20 On this, see Lenski’s contribution to this volume.

who—in this respect much the successor of Domitian—inundated the city center in a celebration of his victorious nature. The example of the Tetrarchs was even stronger: they had expressed their new monarchic self-understanding in the midst of Rome by erecting the so-called Five-Column Monument on the most important site in the Forum and by imposing a new court ceremonial that forced even the senate to perform *adoratio*. Constantine's self-representation in the urban center accordingly reflected formulas that stemmed from the usual interpretation of the role of the emperor and his relationship to the supernatural-divine sphere. Despite a brief renaissance of imperial titulature from the high empire, relations with the senate and people made it crystal clear that the emperor was not behaving as the quasi-magistrate of the Roman Republic.²¹ On the contrary, Rome appeared merely as the object of deliverance by a divinely inspired emperor.

Indications of this interpretation can already be seen on the Arch of Constantine, which, as suggested, unusually celebrated victory over an opponent in a civil war (Figure 15.2). Such stylization, which permitted the *liberator urbis* and *fundator quietis* to appear as a salvation-bringing hero, in fact contradicted the quasi-Republican veneer cast over the victory.²² In the *oratio* scene on the contemporary reliefs prepared for the arch, Constantine alone is depicted frontally and in slightly larger-than-life size. On the reused Hadrianic tondi, his superhuman nature is expressed by a nimbus.²³ The interpretation proposed by F. Kolb, that the inscription emphasizes not only Constantine's *magnitudo mentis* but probably also his *divinitas*, is supported by the fact that similar passages stressing Constantine's *divinitas* may be found in the panegyrics.²⁴ Kolb also observes that the genitives in the chiasmic construction *instinctu divinitatis* and *mentis magnitudine* must refer to the same person.²⁵

Even if one ignores the case of the inscription on the Arch of Constantine, adheres to the traditional interpretation, or advances new alternative interpretations,²⁶ other evidence shows how Constantine's divine qualities were evoked in the cityscape. This includes, in particular, the colossal, seated statue of Constantine from the basilica, which appears in godlike semi-nudity with his

21 On the gold coins with the legend PM TRIB P COS III PP PROCOS, see R.-Alföldi 1963, 182 no. 301. The coin is a revival of a type minted already by Maximian in 305.

22 On Constantine as *conditor*, that is, as *heros ktistes*, see n. 31 below. Constantine is celebrated by the Romans as *lytrotēs* (liberator), *soter*, and *euergetēs*; cf. Euseb. *Vit. Const.* 1.39.2.

23 Cf. Wallraff 2001, 146–147, with references to the Tetrarchic model.

24 Kolb 2004.

25 On the usual ascription of *divinitas* and *mens* to different people, see, for example, Holloway 2004, 19: “inspiration from the divine and the might of his intelligence.”

26 Cf. the interpretation of the inscription by Lenski 2008.



Figure 15.2 The Arch of Constantine, north face.

vision directed upward in the visionary distance (Figure 15.3).²⁷ The statement of the anonymous panegyrist of 313 that the senate had the statue of a god erected might refer to this statue or a very similar one: the following passages show that it must have been a statue that celebrated the *divinitas* of Constantine, as the honorary shield and wreath, allegedly conferred by Italy, celebrated respectively his *virtus* and *pietas*.²⁸ Finally, the monument described by Eusebius, which may or may not be identical with the famous statue,²⁹ could also have stressed the divine qualities of this imperial savior. The inscription on the monument is interpreted by Eusebius in a Christian sense as the proclamation of the new symbol of salvation and is probably authentic only in part; it recalls, though, the special relationship advertised on the arch: between Constantine as divinely inspired savior and the senate and people of Rome as those he has delivered.

27 The Jupiter costume could be explained by the reuse of the seated statue of Hadrian.

28 *Pan. lat.* 12(9).25.4: *Merito igitur tibi, Constantine, et nuper senatus signum dei et paulo ante Italia scutum et coronam, cuncta aurea, dedicarunt, ut conscientiae debitum aliqua ex parte releverent. Debetur enim et saepe debetur et divinitati simulacrum et virtuti scutum et corona pietati.* For interpretation, see Nixon/Rodgers 1994, 331 n. 87; Curran 2000, 80 (referring to an unknown god). Contrast R.-Alföldi 1961, who retains the text (*signum dee*) and connects it to a statue of Victoria.

29 On the problem, see Hekster 1999, 738.



Figure 15.3 Fragment of the colossal statue of Constantine.

Eusebius' report, if not itself wholly authentic, still appears to be constructed from authentic elements of contemporary propaganda: "By this saving sign, by the true proof of valor have I saved and liberated your city from the yoke of tyranny. Moreover, after their liberation, I have restored the senate and people of Rome to their former state of glory and prestige."³⁰ The exceptional qualities of Constantine as god and savior of Rome are evoked, last, by Aurelius Victor, who contrasts the mild reign of Constantine in the years 313–316 with the brutality of Licinius: *Hinc pro conditore seu deo habitus*.³¹

If Constantine presented himself in 312 and later even within the traditional center of Rome as possessed of extraordinary divine qualities, this may be explained by the fact that emperors since the Tetrarchy, as the agents of

30 Euseb. *Vit. Const.* 1.40.2 (trans. Cameron/Hall 1999); Cf. Euseb. *Hist. eccl.* 9.9.11. Instead of a *signum salutare*, Rufinus *Hist. eccl.* speaks of a *singulare signum*, which fits the deliverance ideology less well. But even the inscription cited by Eusebius raises uncertainty. It is unlikely that the emperor will have spoken about himself in the first person. Instead of "your city," he must have said "his city"; cf. not only *urbs sua* in the propaganda of Maxentius but also the possessive pronoun for the senate in a letter of Constantine's; see Millar 1992, 354.

31 Aur. Vict. *Caes.* 41.5. *Conditor* alludes to the deliverance of Rome and can be connected, for instance, with the characterization of Marius as the "third founder" of Rome.

the supernatural and the divine, had required quasi-religious worship on an unprecedented scale. What was new in 312, though, was that this divine power, as the agent of which Constantine directed the cosmos,³² had nothing to do with the Tetrarchic pantheon of patron deities. Of course, elements of traditional pagan religiosity are not wanting in the images on the Arch of Constantine. Next to the hunting scenes in the Hadrianic tondi, scenes of sacrifice are depicted in which the reworking of the heads displays Constantine offering sacrifice for all to see.³³ A sacrifice scene also appears in the attic story on the high reliefs reused from the time of Marcus Aurelius or Commodus. These reliefs must also have given the contemporary observer the impression that Constantine has portrayed himself in the act of sacrifice. Also displayed, both on the reused reliefs and on the relief for the Battle of the Milvian Bridge, are the goddess Roma, the goddess Victoria, and the god Mars.³⁴ At least on the arch, then, the existence of this world of gods was not ignored. Constantine let clear ties to old Roman tradition be perceived on a central monument in Rome, on which he himself appears sacrificing to minor deities.

It is nonetheless striking that this notional submission to traditional polytheism is heavily qualified. Ritual acts for the old chief god of Rome, Jupiter Optimus Maximus, who stood on an entirely different level in the divine hierarchy from Silvanus, Roma, or even Mars, are completely absent in the images on the arch. Only one image depicts sacrificial animals and no image sacrifice

32 On this conception, which is connected with the depiction of Tetrarchs enthroned on a globe in a relief from Thessalonike, see the solidus from Ticinum that shows Constantine with the symbols of the zodiac and the legend *rector totius orbis* (illustrated in Herrmann-Otto 2007, 199; the alleged references to the Sunday legislation are not compelling in my opinion).

33 This is at least true of the sacrifice scenes for Silvanus and Diana; see Mayer 2002, 190. Because the sacrifice scenes with Constantine appear on the south side of the arch, they may have had a special significance; see Wallraff 2001, 129. On the scholarly debate over who appears in the other *tondi*, see Rohmann 1998. The choice of Apollo, Diana, Silvanus, and Hercules is not the result of the chance availability of the *spolia*. There may be a specific reference to the foundation myth of the city as it was understood in Late Antiquity, which again elaborated the theme of the close relationship between Constantine and Rome. On the significance of Diana and Apollo in the Secular Games, cf. Zos. *Nea hist.* 2.5.4–5. On the significance of Hercules in the story of the foundation of Rome, see *Origo gent. Rom.* 6–8. Silvanus is identified by the author of the *Origo gent. Rom.* 4.6, with Faunus, who founds the first settlement of Rome on the Palatine.

34 Holloway 2004, 25 (the reliefs on the attic: Constantine accompanied by Mars and Dea Roma), 30 (the great Trajanic frieze with the depiction of Victoria and Roma), and 26 (depiction of Victoria and Dea Roma on the relief of the Battle of the Milvian Bridge). These images support the view of Lenski 2008, who presumes an *evocatio* of the goddess Roma from Maxentius to Constantine. Precisely this, though, would betray Constantine's still clearly pagan religious thought at the time. Whether there is a connection to the report of Zos. *Nea hist.* 2.31.3 about a temple of Tyche of Rome in Constantinople remains open. The notice would give evidence that the acquisition of the goddess Roma, despite her lesser prominence in the later self-representation of Constantine, remained important, and it would explain peculiarities of the founding of Constantinople.

on the Capitol itself. One relief in the group, which is usually attributed to the attic story, was left unused, though it certainly was available, because it showed a sacrifice to Jupiter Capitolinus.³⁵ In this respect, as has been demonstrated in the scholarly literature, there is a close parallel between the Arch of Constantine and the panegyric of 313, in which an allusion to a sacrifice to Jupiter Optimus Maximus is likewise missing.

The omission of a sacrifice to Jupiter is not in itself a compelling confession of Christian faith. Pagan elements, as said earlier, are also encountered on the Arch of Constantine. The movement toward Christianity was in the first instance a consequence of the fact that Constantine could show no reverence to Jupiter as the chief god of the Tetrarchic religion, from which he had distanced himself already after his controversial accession.³⁶ A universal god took the place of Jupiter, a god who could be identified as the Christian god by the Christians and who certainly stood above the conventionally recognized pantheon. Most probably, the newly proclaimed patron deity that mirrored Constantine's imperial ambitions was initially *Sol Invictus*, who was conceived as a universal deity that could not be represented iconographically³⁷ and thus could easily be identified with the *summus deus*. His counterpart in the Greco-Roman pantheon, Sol/Apollo, was a kind of subordinate deity, whose iconography gave expression above all to the cosmic dimensions of Constantine's act of deliverance. For this reason, the Constantinian medallions of the gods of the sun and moon frame the triumphal arch on both sides as symbols of *aeternitas*.³⁸

The origins of this novel conception of a patron deity should be sought in Gaul, as Constantine prepared for the confrontation with his Tetrarchic colleagues, that is, from 310. The uniqueness of the new universal god could be stressed much more emphatically after 312, when it corresponded to the

35 Mayer 2002, 201. This argument is not entirely convincing, since another relief with the suovetaurilia preparations was used in the attic zone of Constantine's arch.

36 On the marginalization of Jupiter Capitolinus already under Maxentius and parallels with Constantine, see Fears 1981, 823; cf. also 824: "By their adherence to Sol and Mars, Constantine and Maxentius proclaimed their break with the Diocletianic political order." Mars replaces Jupiter on many coins of Maxentius in his function as the highest god; see also Hekster 1999, 732.

37 On the sun god as supreme god (*Helios Megistos*), see Fauth 1995. On his aniconographic cult, see Grigg 1977.

38 On Luna and Sol on the arch, see Curran 2000, 89: The triumphant *adventus* in Rome becomes a cosmic event; cf. Wallraff 2001, 129: "Der Bogen erhält durch die beiden großen Medaillons mit Sol und Luna auf den Außenseiten eine kosmische Rahmung." Girardet 2010, 85, believes that the depiction of the sun god could be interpreted by Christians as *sol iustitiae*. Because of the corresponding depiction of the moon goddess, a different solution seems preferable to me. The sun and moon would be acceptable to Christians as symbols of eternity. The sun and moon accordingly appear on Christian sarcophagi as familiar formulas for cosmic time.

position that Constantine claimed as the highest-ranking emperor. He was now striving to establish his singularity after his victory over Maxentius and the liberation of the capital of the empire; he would claim this status even more stridently with the assumption of the title *maximus*.³⁹

The magnanimity and divine quality of Constantine stressed in his Rome propaganda after 312 are explained by the contention that Constantine stood in direct contact with this supreme deity, which was known to him alone and stood above all the specific gods of the pantheon. The exaltation of the emperor in sacred, cosmic terms had already been central to the ideology of the Tetrarchy. Maxentius had adopted elements of the ruling ideology of the Tetrarchs, but had modified them to suit his own situation; he sought to legitimize not a collegiate system of rule but only his own isolated position through new variants that justified his imperial mission. In doing so, he set himself on par with the goddess Roma in his self-representation,⁴⁰ and he conceptualized the city of Rome as *urbs sua*, as the object of imperial care.⁴¹ Connected to this self-aggrandizement was a certain distance from Jupiter Capitolinus and identification as a new Mars. Maxentius' tendencies to triumphal self-aggrandizement appear to have been strengthened by his victory and triumph over his rival in Africa, Domitius Alexander.⁴² The victory of Constantine in turn led to even greater emphasis on a special relationship to the supreme patron deity, as he incorporated in his propaganda formulas that had been significant under Maxentius. Constantine had himself praised as a savior, who now stood before Rome larger than life and whose patron deity could no longer be accommodated in the traditional pantheon by any means. This new conception of a heroic imperial savior, easily recognizable right in the traditional center of the city, and his supreme, inconceivable patron deity are probably reason enough to explain why Constantine did not erect any sacred structures of his own in the center of Rome.

39 Grünewald 1990, 86–92, with corrections in Wienand 2012, 222–223 n. 72. The first coin to mention the title is the famous gold medallion produced in AD 313 in Ticinum (RIC 6 Ticinum 111); the most prominent (but not the first) epigraphic attestation is the inscription on the triumphal arch in Rome. *Maximus* seems to have been part of the standard imperial titulature from 312–313.

40 Ziemssen 2007, 45, and 48–51: the depiction of the transfer of the globe illustrates how the divine quality of *Roma aeterna auctrix augusti*, namely, *aeternitas*, passes to Maxentius, who saves the city in return.

41 On the issues with the legend CONSERVATOR VRBIS SVAE, see Ziemssen 2007, 44–45: *conservator* is, as Ziemssen rightly emphasizes, to be interpreted here as “savior,” “deliverer”; cf. Hekster 1999, 744.

42 On the triumph of Maxentius over Domitius Alexander, see Zos. *Nea hist.* 2.14.3–4. His testimony is regarded by Diefenbach 2007, 127, with skepticism. Girardet 2006, 64 n. 92, sees in Zosimus' testimony a reference to the procession to the Capitol.

ROMAN IDEOLOGICAL REFLEXES IN THE CONVERSION
STORY IN EUSEBIUS' *VITA CONSTANTINI*

In light of the considerations discussed above, the so-called conversion of Constantine must be explained as a complex event that involves the victory of Constantine over Maxentius, the self-aggrandizement of the emperor that accompanied it, and his distancing himself from the traditional cults. In Eusebius' account of the vision, Constantine's conversion to Christianity occurs well before his victory over Maxentius, and the Gallic context of this religious-political shift has been emphasized greatly in recent publications.⁴³ If one closely examines the vision narrative of Eusebius, though, it is indeed clear that the so-called vision dates before the campaign against Maxentius and is located in Gaul, but it is also clear that Constantine's experience of the vision and conversion in this account is noticeably colored by the ideology of the city of Rome. Constantine, according to Eusebius, is preparing the attack on Maxentius on his own initiative, after the other Tetrarchs had failed. He sees himself obligated to liberate the city of Rome, because its subjugation practically upsets the world order: "He then perceived that the whole earthly element was like a great body, and next became aware that the head of the whole, the imperial city of the Roman empire, lay oppressed by bondage to a tyrant."⁴⁴ Constantine seeks supernatural, effective support strictly for the liberation of Rome from tyranny, a tyranny that stands in contradiction to the cosmic order of things. Even before the vision, he recognizes this support in the "god, who is beyond the universe"—in other words, in a super-cosmic *summus deus*, whom his father before him had worshipped. Counting on the coming success, Constantine contrasts the power of this supreme god with the powerlessness of the individual patron deities worshipped by the other Tetrarchs:

He therefore considered what kind of god he should adopt to aid him, and, while he thought, a clear impression came to him, that of the many

43 The influence and theological counsel of the Gallic bishops in the conversion of Constantine is emphasized especially by Eck 2007, 69–94, and Girardet 2009, 48 (with an additional reference to Sozom. *Hist. eccl.* 1.5.3: the acceptance of Christianity in the Gallic prefecture). In fact, there is good reason to believe that the conspicuous presence of Gallic bishops or of Hosius of Cordoba at court was the result of connections cultivated by Constantine as ruler of the Gallic provinces from 306 to 312. These connections would be exploited intensively after 312, as Constantine became involved ever more intimately in Christian affairs. Interaction between the emperor of part of the empire and the Christian bishops of that part, which one can similarly prove for Licinius, need not have anything to do with Constantine's preferences in religio-political ideology. It is perhaps only Eusebius' episcopal wishful thinking that in his narrative bishops and clergy are at hand to explain Constantine's vision, which occurred while he was still in Gaul.

44 Euseb. *Vit. Const.* 1.26 (trans. Cameron/Hall 1999).

who had in the past aspired to government, those who had attached their personal hopes to many gods . . . met an unwelcome end, nor did any god stand at their side to protect them from divinely directed disaster; only his own father had taken the opposite course to theirs by condemning their error, while he himself had throughout his life honoured the God who transcends the universe, and had found him a saviour and guardian of his empire and a provider of everything good.⁴⁵

The heroic deliverance of Rome and the help of the *summus deus*, the god who is beyond the universe, are thus all of a piece in Eusebius' report. Eusebius' comments leave no doubt that the *summus deus*, the god that Constantine had already known from his father, cannot have been the Christian god in a strict sense.

Eusebius' perspective, fixed on Rome as it is, can only be explained if he had followed an ultimately secular contemporary account. Its broad dissemination is apparent from the fact that the anonymous panegyric of 313 describes the deliverance of the city by Constantine, his distance from the other Tetrarchs, and his exclusive relationship with the all-powerful deity in the same way. Constantine is the first to take up the struggle against Maxentius, while the other members of the imperial college hesitate. Through his exclusive relationship to the supreme deity, Constantine senses that the time has come to liberate the city with his own hands: "What god, what majesty so immediate encouraged you . . . to perceive on your own . . . that the time had come to liberate the City? You must share some secret with that divine mind, Constantine, which has delegated care of us to lesser gods and deigns to reveal itself to you alone."⁴⁶ Remains of this narrative are also present in Praxagoras and in the fifty-ninth oration of Libanius, which both report that Constantine had to take action against Maxentius out of compassion for the Romans.⁴⁷

45 Euseb. *Vit. Const.* 1.27.2 (trans. Cameron/Hall 1999). This god "beyond the universe" who stands above all things also appears in the prayer of the soldiers who cling to paganism (Euseb. *Vit. Const.* 4.19). Girardet 2009, 209, argues that the king of heaven here is "als eine—im Gegensatz zum Gott Sol Invictus—nicht sichtbare, als eine nur in Gedanken erfassbare Gottheit außerhalb der Welt, des Alls gedacht" and notes (following Batiffol 1929, 188–210) that the neoplatonic *summa divinitas* remains within the world. It is, though, common to all platonizing systems that the highest idea is located completely above the world at an inaccessible height. Even Mithras/Sol Invictus, who surely lurks behind the deity worshipped by Constantius Chlorus, does not stand for the visible sun god but rather for his identification with the ultimate sphere of the planets, which holds the universe together. The principle of the universal deity certainly permits a localization beyond the world.

46 *Pan. lat.* 12(9).2.4–5 (trans. Nixon/Rodgers 1994).

47 Praxag. 4: Constantine attacks Maxentius out of compassion with the Romans; see also Lib. *Or.* 59.19 and Them. *Or.* 3.44a. For an explanation of the similarity of these accounts, see Bleckmann 1999c, 216. In the narrative of Lactantius, by contrast, Maxentius is the aggressor (*Mort. pers.* 43.4),

Not only the parallels between the panegyric of 313 and Eusebius' narrative of Constantine's exclusive mission in the name of the supreme deity indicate that Eusebius offers us an account that has been Christianized in the second instance. Eusebius' account of the oppression of Rome by the tyrant Maxentius reveals similar traces of a subsequent Christianization. The false Romulus and new Tarquin the Proud, Maxentius is transformed into an anti-Christian tyrant only by Christian sleight of hand. Maxentius rages not only against the wives of senators but also tries to "lay hand on Christian women," until he makes an attack on the Christian wife of the urban prefect: she proves to be a new Lucretia and kills herself.⁴⁸

The story that Constantine liberated Rome on behalf of the supreme god was thus probably, in religious terms, a very vague account of the liberation of Rome. It was then transformed by Eusebius or his source into a depiction that still did not quite fit the essence of Christianity—that Constantine had received from the Christian god the rather patriotic mission of liberating Rome. This Christian modification of the panegyric version is apparently almost as old as the non-Christian original, dating to the period immediately after 312. Its essentials are recoverable already in the parts of the Ecclesiastical History of Eusebius written before 324.⁴⁹

The contemporary Christianization of the basic narrative of the deliverance of Rome by Constantine in alliance with the *summus deus* seems to derive from Constantine's encountering a religiously diverse population in Rome, of which the Christian community was a conspicuous part. This community had been persecuted by Maximian Herculus only for a short time, whereas Maxentius had patronized the Christians and even—as Eusebius must admit⁵⁰—at least initially presented himself to the Christians as a sympathizer. The Christians certainly constituted a group in Rome that commanded respect. This was due not only to their presumably large number of several ten-thousand adherents, but also above all to the high degree of organization within the Roman church.⁵¹ If the early papal elections were conducted as popular elections, significant

and the ideology of liberty plays a limited role; Maxentius, for example, is not depicted as an enemy of the Roman people (*Mort. pers.* 44.8).

48 Euseb. *Vit. Const.* 1.33–34.

49 Euseb. *Hist. eccl.* 8.14.16–17; Euseb. *Hist. eccl.* 9.9.2: Constantine feels pity for the inhabitants of Rome; Euseb. *Hist. eccl.* 9.9.4: God draws Maxentius out of the city as if by chains; Euseb. *Hist. eccl.* 9.9.5–8: biblical references and the equation of the liberation of Rome with the exodus. On the use of material from the Ecclesiastical History in the *Vita Constantini*, see Bleckmann 2007, 42; Van Dam 2011, 82–100.

50 Euseb. *Hist. eccl.* 8.14.1; cf. De Decker 1968.

51 Cf. already for 251 the famous numbers in the letter of the bishop Cornelius to Fabius of Antioch (Euseb. *Hist. eccl.* 6.43.11).

masses of people must have assembled to participate. This high degree of organization and mobilization explains a remark of Cyprian, namely, that Decius feared the election of a new pope in Rome more than the acclamation of a usurper.⁵²

This large, urban community of Roman Christians would and could have come to terms with a victory of Maxentius over Constantine, but when Constantine prevailed, the Christian community hailed him together with the senate and people. It was obvious to this community that the *summus deus* of Constantine, which stood above the single gods and the universe, could only be the Christian god. Constantine himself actively encouraged this interpretation in proclamations directed to the Christians; he had already met Christians and bishops in Gaul, but in Rome he encountered the impressive phenomenon of Christian multitudes for the first time.⁵³ Even if Constantine's devotion to the *summus deus* had nothing to do with Christian humility or with a conversion experience, but rather developed with a certain inevitability from his ever-more successful self-differentiation from the system of Tetrarchic patron deities and the general movement toward monotheism typical of the times,⁵⁴ the convergence and fusion of Constantine's supreme god and the Christian god was for Constantine self-evident. Yet this embrace of the Christian god could be decidedly problematic for some Christians. In his first contacts with the churches of Rome and Carthage, the supreme imperial worshipper of the *summus deus* promptly identified with the desires of the church against the Donatist minority.⁵⁵

ROMAN IDEOLOGY, COSMIC SAVIOR, AND CHRISTIAN ADDRESSEES: THE MEDALLION OF TICINUM

Evidence of the ostentatious rapprochement of Constantine and the Christians in the context of celebration of the liberation of Rome and the new depiction of the emperor as a god-led and victorious savior is offered by the famous medallion of Ticinum (Figure 15.4). The obverse celebrates IMPERATOR CONSTANTINVS PIVS FELIX AVGVSTVS and his military victory as the guarantor of the SALVS REI PVBLICAE, and the *adlocutio* scene on the reverse illustrates in Trajanic

⁵² Cypr. *Ep.* 55.9.1.

⁵³ On the function of the new Christian adherents in the population of Rome, see Millar 1983, 83.

⁵⁴ On the phenomenon of pagan monotheism, see Fürst 2006. The Tetrarchs' ostentatious return to polytheism should be understood as a deliberately conservative reorientation, although one also notices exaggerated emphasis of the chief god Jupiter.

⁵⁵ The de facto addressee of such pro-Christian statements and clear support for the majority church in the Donatist controversy was not only the Church of Carthage. These actions will also have been brought to the attention of the great Church of Rome.



Figure 15.4 Silver medallion of emperor Constantine, RIC 7 Ticinum 36.

fashion the good understanding between the emperor and his army.⁵⁶ The medallion shows the head of Constantine facing in three-quarter profile—an unusual depiction, though anticipated by issues of Maxentius. The face bears stylistic similarity to the portrait of the colossal statue in Rome; the frontal view with the large eyes looking upward illustrates the divine qualities of the emperor. This is made explicit not least by the parallel gold issues from Ticinum, which show Constantine in three-quarter profile with a nimbus.⁵⁷ Conspicuous on the medallion from Ticinum is the image of the Capitoline she-wolf on the shield, a symbol that Maxentius had revived. An issue of Maximian Herculus that showed the emperor with a she-wolf shield and horse head had provided the immediate model.⁵⁸ The she-wolf had alluded to *Roma aeterna* since Gallienus⁵⁹ and in the context of the Constantine portrait stands for the eternity of Constantine's rule; the type thus has strong religious and political connotations.⁶⁰

56 On the medallion, see Kraft 1954–1955; Overbeck 2000; Bernardelli 2007. Overbeck 2000, 18, whom I follow here, interprets the legend as follows: “Der Kaiser Constantin ist also das Heil, das Wohlergehen des Staates.” *Contra* Girardet 2007a, 42: “Und wenn die Rückseitenlegende des Medaillons die *salus rei publicae* verkündet, dann besagt dies zusammen mit dem Christogramm auf der Vorderseite, daß das ‘Heil des Staates’ durch die Hilfe des Christengottes gewonnen worden war”; cf. Girardet 2010, 82.

57 Cf. Overbeck 2000, 7, on RIC 6 Ticinum 37, 38, and 41.

58 Cf. R.-Alföldi 2001a, 255–256.

59 Cf. here Turcan 1983, 27, with reference to RIC 5.1 Gallienus 349, 628, 677.

60 *Contra* Overbeck 2000, 18, to whom the *lupa Romana* is “only” a shield emblem with an “historisch-politischen, nicht religiösen Aussagekraft.” In light of the significance of the shield for religious statements, palpable for instance in the report of Lactantius about the staurogram on the shields of Constantine's army and also attested by the depiction of the quadriga of the sun god or of the Christogram, it seems unfounded to attribute religious significance to the Christogram on the helmet but not to the shield emblem.



Figure 15.5 Follis of Crispus, RIC 7 London 275.

The juxtaposition of Rome ideology and a cosmic, eternal world peace is also illustrated by an extensive bronze issue bearing the legend *BEATA TRANQVILLITAS* and released before the second war with Licinius (Figure 15.5). The *beata tranquillitas* types consistently depict a globe with cross-shaped structures that represents the universe. The abundance of details that the *beata tranquillitas* coins offer is no less indicative of worship of a cosmic, vaguely defined universal god.⁶¹ Alongside the cosmic globe, Rome iconography is well represented in the numerous motifs on the shields and busts of Constantine and his sons.⁶² Finally, the legend *BEATA TRANQVILLITAS* itself might indicate peace for Rome and its citizens and the general cosmic harmony that the triumphant emperor, the *fundator quietis*, had achieved with the help of the supreme god. The “merry peace” in the religious proclamations of Maximinus Daza are similar.⁶³

The juxtaposition of heavenly symbolism, exaltation of Constantine to an instrument of a divine plan for salvation, and Rome iconography, as is palpable in Eusebius’ account of the vision, appears not only on the medallion from Ticinum with its *aeternitas* symbolism⁶⁴ or on the *beata tranquillitas* issues, but

61 In favor of this is the fact that the *caesar* Crispus appears with the attributes of a priest of the sun god; cf. Alten/Zschucke 2004, 17 and 22; Wienand 2012, 311–313. The sun god is subordinate to the universal *summus deus* as a helper or concrete manifestation in a way similar to the subordination of *caesar* Crispus to *augustus* Constantine. In contrast, the *beata tranquillitas* type is interpreted by Staats 2008, 345, as a manifestation of a new Christian religious order.

62 Cf., for example, Alten-Zschucke 2004, 88: In the depiction on the shield, Roma hands an orb to Constantine who crosses from the left.

63 Euseb. *Hist. eccl.* 9.7.11.

64 I refer to an unpublished talk given in Würzburg by Peter Weiß in 2006, in which he interprets the pattern on the helmet as a combination of cross and star symbolism.

also on the Arch of Constantine: its framing by the sun and moon has already been noted. The Christogram on Constantine's helmet on the issue from Ticinum must also be explained in this context of cosmological Rome iconography. Presumably, this monogram was first invented under Constantine and was not universally known as a specifically Christian symbol. On the contrary, it was the variant theology propagated by the emperor, in which Christ was the guarantor of military victory, that elevated the monogram to the symbol of the supreme deity that won Constantine's triumphs.⁶⁵ To pagan observers, the small star-shaped symbol in a wreath may have appeared to be merely another allusion to the cosmic dimensions of the connection between Constantine and Rome.⁶⁶ Even non-Christian cosmological interpretations of the Chi are possible; the cosmological-soteriological ambivalence of the Chi-cross plays a significant role already in early Christian interpretations, especially in Justin.⁶⁷ In favor of such a rather astronomical-cosmological understanding, one might note Lactantius' description of a variant of the new symbol merely as *caeleste signum*, as a (cosmic) heavenly sign.⁶⁸ How the Christogram and the Capitoline she-wolf together were supposed to be interpreted was perhaps deliberately left open, or it first became intelligible in the context of other coin issues. The military context so conspicuous on the Ticinum medallion might lead one to conjecture that the coin with its combination of Rome imagery and Christianity was intended to appeal above all to the Christian soldiers, perhaps especially those who had come to Rome from Gaul and who, after the suppression of the praetorian guard and the *equites singulares*, continued to serve in the immediate vicinity of the emperor. However that may be, the juxtaposition of Rome symbolism and a partly Christian, partly cosmological sign fits exactly in a thematic context in which Rome ideology, cosmic exaltation of Constantine's role as savior, and cultivation of the great Christian community of Rome are inextricably linked.

65 Dinkler 1967b.

66 Girardet 2010, 54–55, also presumes an initial ambiguity, at least for the precursor of the Christogram postulated by him, the six-pointed star that could be read as an abbreviation of Iesus Christos (Chi and Iota). On the smallness of the symbol on the medallion, cf. Overbeck 2000, 18: "Kein überzeugter Heide konnte Anstoß nehmen." On the staurogram and Christogram as initially non-Christian abbreviations, cf. Dinkler-von Schubert 1995, 33–34.

67 Chi as an all-pervasive sign was, according to Neo-platonist speculation inspired by Plato's *Timaeus*, a symbol of the "power that stood next to the first God," thus for a Christian interpretation of the Logos. For an interpretation of the Chi as a cosmological manifestation of the Christian truth of the cross, see Bousset 1913, 273; Dinkler 1967a, 38–39. For a summary of these cosmological interpretations of the cross, which appear especially in Justin, see Heid 2001. Chi as a cosmological symbol derives from the crossing of the ecliptic and the celestial equator.

68 Lact. *Mort. pers.* 44.5.

CONCLUSION: CONSTANTINE, ROMAN CHRISTIANS,
AND THE CONVERSION

After his triumph over Maxentius, Constantine placed his special relationship with the supreme god firmly in the foreground. That presumably explains the idiosyncrasy of his building policy in Rome, whereby Constantine omitted building new sacred structures in the inner city of Rome. In light of his new, exaggerated self-aggrandizement, Constantine had no objections to continuing a sacred structure of Maxentius dedicated to Rome and Venus or to permitting solar, lunar, and other imagery from the pagan pantheon to be depicted on his triumphal arch. He could erect larger structures at his own initiative only where they suited his exclusive patron god, the exalted *summus deus*, and were uncompromised by connection with the conventional pantheon. These reservations must have made the Christian churches on the urban periphery and outside the city seem like ideal projects: Constantine could display his munificence without having to tie himself to old religious models.⁶⁹ Such large-scale projects had the additional advantage of winning large numbers of Christian adherents from the city population. Not even Eusebius, significantly, saw the Roman churches begun after victory over Maxentius as a complete revolution, a reorganization of Rome in building. He characterizes them in, for him, relatively restrained language as the extension and ornamentation of something already present: "Indeed he also supplied rich help from his own resources to the churches of God, enlarging and elevating the places of worship, while beautifying the grander ecclesiastical sacred buildings with many dedications."⁷⁰

The church-building program in Rome, at least for the first years after 312, can scarcely be interpreted as an expression of an exclusively Christian self-interpretation of Constantine's mission or as evidence that Constantine resolved to propagate more emphatically his new dynastic-Christian ideology on the periphery so as to avoid the center that was beholden to the old traditions. The expansion of the Christian infrastructure at the expense of its imperial patron surely attests to close contact between church and emperor. This contact caused the conversion of Constantine to interconnect two initially independent processes. One was the realignment of Constantine, under way before the struggle against Maxentius and completed in 312, to a cosmic god as an alternative to the Tetrarchic religious policy; the other was the dynamic relationship that arose from Constantine's encounter with the Christian

69 This is particularly true of the Lateran Basilica, dedicated already before the second war against Licinius. It is now doubted by some whether St. Peter's was even built under Constantine; see Bowersock 2005.

70 Euseb. *Vit. Const.* 1.42.2 (trans. Cameron/Hall 1999).

Church of the West, above all the great churches of Rome and Carthage. As Constantine now assumed responsibility for this church, particularly evident in his involvement in the Donatist controversy, and thereby stressed the compatibility of Christian theology with his own conception of god, permanent contact with functionaries of this church led him to adopt their attitudes and values. Vice versa, the church accepted that the emperor would organize its affairs and reinterpret the Christian god, in that Constantine made him into a militarily effective *summus deus* who acted in the interest of Rome. In other words, the process of rapprochement after the year 312 brought it about that the emperor very rapidly became Christian, and Christianity very rapidly became imperial. Doubtless this process of rapprochement took place not only in Rome but also in other areas of the Roman empire, in different forms in each case. The encounter between the triumphant emperor and a liberated Rome, its Christian population, and the bishop of Rome contributed not insignificantly in this complex process, which characterizes the conversion of Constantine as a whole, to the acceleration of this rapprochement. Moreover, standing communications between the Church of Rome and the other western churches, on the one hand, and the great churches of the East on the other made Constantine appear from the start as the better alternative in the struggle against Licinius to the Christian communities of the East. Constantine would meet these expectations after his victory in 324, among other things, in his great confessional circulars to the churches of the East or by his appearance at the Council of Nicaea.

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Constantine and the Tyche of Constantinople

NOEL LENSKI

THE NOTION OF MONARCHY IS FRAUGHT WITH CONTRADICTION. No ruler rules alone, for the very basis of power is control over the many. Whether the monarch achieves this in the realm of fiscal policy, administrative apparatus, social legislation, military campaigns, or religious authority, his exercise of power is always constructed in dialogue with those over whom he rules. Constantine appears to have been particularly successful at ruling, for despite the radical changes he introduced—to imperial finance, the bureaucracy, civil law, the army, and the exercise of religion—he managed to commandeer consent and even cooperation from his subjects, soldiers, and administrators. This is not to deny that tensions arose and at times even boiled over into open violence, but by and large Constantine was remarkably skilled at keeping the struggle over contested monarchy firmly in his grasp. This was nowhere more evident than in the realm of religion, where his changes were the most sweeping and radical. Here he achieved harmony—by no means unchallenged—because he was a master of compromise, a master at finding the *via media* between old ways and new. His skill in this arena can be catalogued with any number of examples, but one that has not received proper attention in recent scholarship is the foundation of his new capital on the site of Byzantium (Figure 16.1). Byzantium was, of course, already a thriving city, and like all cities had cults of its own that continued to garner devotion from its inhabitants up to the day he took control of the city in 324. When he reappropriated the landscape of Byzantium for his own ends, Constantine must have been aware that respect was still due to the ways of the past. Thus, while he could have eliminated Byzantium's ancient cults altogether, he emphatically chose not to.

Any discussion of the foundation of Constantinople should begin with a Constantinian medallion whose appearance is quite unusual in its late Roman context (Figure 16.2).¹ The obverse features an image of the emperor

¹ Silver Medallion (17.55 g). Constantinople mint (AD 330). Ob: No legend. Head of Constantine, diademed, r., cropped straight and high on the neck. Re: D(ominus) N(oster) CONSTANTINVS/MAX(imus) TRIVMF(ator) AVG(ustus), Constantinopolis, facing r., draped, veiled, with mural

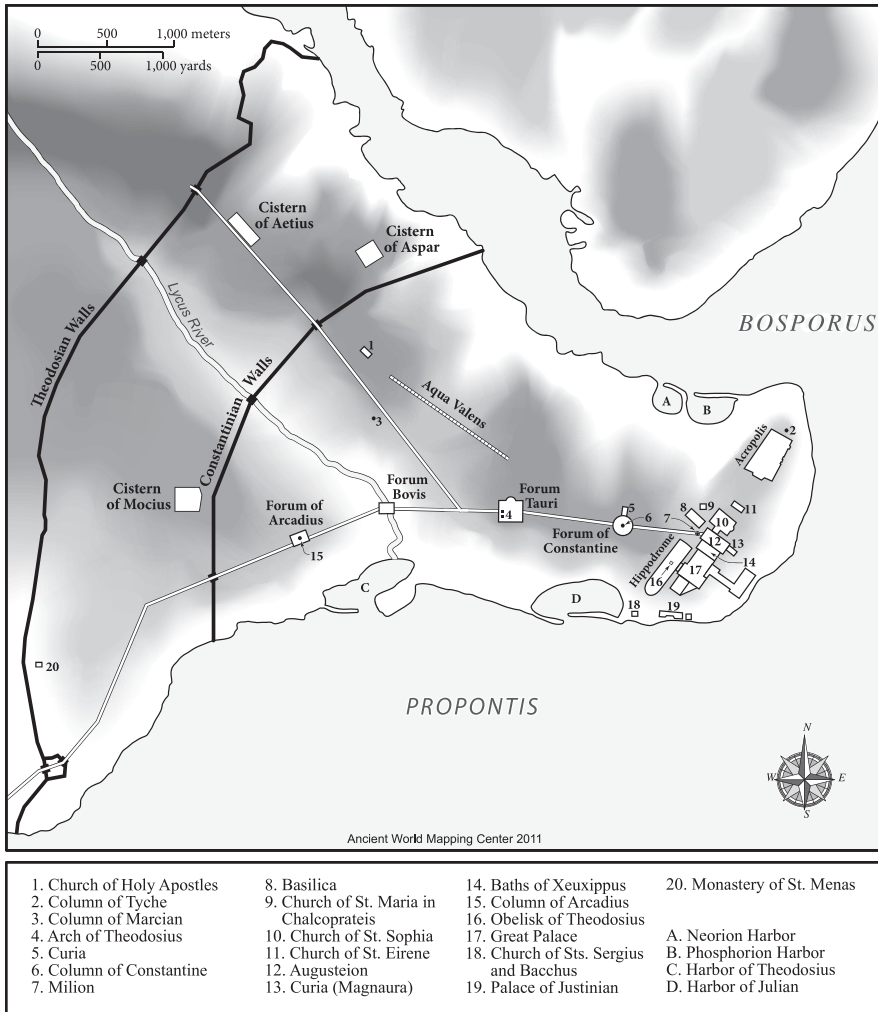


Figure 16.1 Map of late-antique Constantinople.

Constantine in what is widely known to be his third portrait type, with muscular square jaw, slightly hooked nose, large eyes, and characteristically abundant “Trajanic” hairstyle that extends in fingerlike locks on his forehead.² Instantly striking, however, is the fact that the obverse is anepigraphic, a rarity in later

crown, seated in an ornate, high-backed throne, with r. leg forward and r. foot on a galley; r. hand bears a branch and l. a cornucopia; in exergue MCONSC. RIC 7 Constantinopolis 53 = Bruun 1966, 578; cf. Maurice 1911, 520–521; Gnechchi 1912, pl. 28.11–13. For more details on this type, see Ramskold/Lenski 2012.

2 On Constantinian portraiture, see R.-Alföldi 1963, 57–69; Wright 1987; Parisi Presicce 2005; Hannestad 2007; Gliwitsky 2011; Bardill 2012, 11–27.



Figure 16.2 Silver medallion of emperor Constantine, RIC 7 Constantinople 53.

Roman coins, even if there are some slightly earlier Constantinian precedents.³ So too, the bust stands out among contemporary portraits in that it almost fills the entire field of the coin and is cropped high on the neck rather than including the emperor's chest.⁴ The jeweled diadem also stands out, for at the time this coin was minted, this was a new feature of imperial portraiture, albeit one that became standard hereafter.⁵ The peculiarity continues on the coin's reverse. Here we do find a legend, but in contrast with most fourth-century issues, which feature circular legends that trace the edge of the flan, this coin's inscription comes in two vertical rows: D(ominus) N(oster) CONSTANTINVS on the right of the central figure, followed by MAX(imus) TRIVMF(ator) AVG(ustus) on the left. Below a line clearly demarcating the exergue, the legend continues with a mint mark: MCONSE (*moneta Constantinopolis* €, that is, workshop five). This vertical double legend is unique among coins of the fourth century and, more than any other feature, draws attention to the peculiarity of this type. The module and weight are also strange. At 30 mm and 17.55 grams, the coin does not appear to fit any standard size for silver coins minted at this

3 Beginning late in 324, Constantine had issued two series with anepigraphic obverses: the so-called "dynastic" series and the famous "heavenly gaze" series. On the former, see Harlick 2007. On the latter, see RIC 7 Treveri 497–499; Roma 273; Ticinum 179, 192–196; Sirmium 56; Thessalonica 131, 147–148, 167, 214–218; Heraclea 103–104; Constantinopolis 2, 5, 99, 128, 136; Nicomedia 70, 86–87, 103, 108, 110–112; Antiochia 105, 107; cf. R.-Alföldi 1963, pl. 11.

4 On this type of bust and its history in Roman coinage, see Bastien 1992–1994, vol. 1, 227–231.

5 The jeweled diadem first appears on Constantinian coins in 326, RIC 7 Constantinopolis 2, 5; Roma 279, 281; cf. RIC 7 Nicomedia 140, 141, which Bruun dates to 326–327, and RIC 7 Thessalonica 163, dated to early 327. Delbrueck 1933, 58–62, first argued that Constantine introduced the diadem during the celebrations of his *vicennalia* from July 25, 325 to July 25, 326. Although Bruun 1966, 489, argued a slightly earlier date, Bastien 1992–1994, vol. 1, 56–58, has rightly supported Delbrueck's original argument; cf. R.-Alföldi 1963, 93–94.



Figure 16.3 Silver tetradrachm of king Lysimachus, Thompson 1968, no. 49.

period nor even does it equal multiples of a standard denomination. Finally the very fact that the coin is minted in silver in a period when the currency was predominated by gold and bronze is unusual, though not unique.⁶

To find a coin with a similar repertoire of characteristics, one must go back before Roman imperial coinage to the period of Hellenistic kings. To take just one typical example, a coin of Lysimachus minted in the early third century BC also features an anepigraphic obverse with a portrait head—of Alexander the Great—cropped high on the neck (Figure 16.3).⁷ The ruler also wears a diadem over his full, wavy locks and, like the diadem of Constantine, the ends of its ties flutter behind his head. The obverse also features a legend in two vertical rows that, like Constantine's, focus on the titulature of the ruler: ΒΑΣΙΛΕΩΣ ΛΥΣΙΜΑΧΟΥ. Lysimachus' reverse also has a strongly demarcated exergue and displays a mint mark in the form of a crescent moon. The coin's weight, 17.16 grams, and its module, 33 mm, are in the exact range of Constantine's and, of course, the coin is minted in silver. This is, in other words, a typical Hellenistic tetradrachm. It seems certain that in minting his coin, Constantine and his moneyers were trying to imitate just this form.

Not only does Constantine's coin approach the general format of a Hellenistic tetradrachm, but there is also one Hellenistic type in particular that bears a resemblance so uncanny that one wonders if it was not this very coin that Constantine and his moneyers had in mind. To understand the parallels, we must first examine Constantine's reverse in greater detail. It features a female

6 On bi-metalism in this period, see Bruun 1966, 4–8; Hendy 1985, 466–467.

7 Silver Tetradrachm (17.16 g). Lampsakos mint (AD 297/6–282/1). Ob: Diademed and horned head of Alexander the Great, right. Re: ΒΑΣΙΛΕΩΣ/ΛΥΣΙΜΑΧΟΥ, Athena enthroned holding Nike in right hand, monogram left, in exergue crescent moon. Thompson 1968, no. 49; cf. SNG Copenhagen 1097.

figure, seated facing on a high-backed throne with a veil and mural crown on her head. Her right leg crosses in front of her left and her right foot rests on an oared warship. In her left arm she bears a cornucopia. This image can without doubt be said to represent the personification of the city of Constantinople and, by extension, the city's protective deity, its Tyche. Very similar images of Tyche also show up on Hellenistic tetradrachms, and especially those from Antioch, whose cult of Tyche was well developed and central to the city's civic religion. Already circa 300 BC, Seleucus Nikator commissioned the sculptor Eutychides to fashion an image of the goddess, seated, fully draped, wearing a mural crown on her head (Figure 16.4).⁸ She had her right leg crossed over her left, and at her right foot there was a water-borne figure, not a boat but the river god Orontes. She looked, in other words, remarkably similar to the Tyche of Constantinople, whose iconography was clearly influenced by this precedent. Nevertheless, unlike Constantinople's Tyche, who bears a cornucopia in her left hand and sits on a throne, Eutychides' original carried a sheaf of grain in her right hand and was perched on a rock, clearly meant to represent Mt. Silpius.

Tyche's image first shows up in numismatic iconography on Seleucid reverses under Demetrius I Soter (r. 162–150 BC), who seems to have been particularly fond of the protective deity of Antioch (Figure 16.5).⁹ She remains fully draped, veiled, and crowned with her legs crossed. But on Demetrius' coins, Antioch's Tyche has exchanged her grain sheaf for a scepter in one hand and, like Constantinople's, a cornucopia in the other. Furthermore, she is seated not on a rock with the river Orontes at her feet but on a chair (albeit backless) supported on a winged triton figure. These variants reflect the fact that, as the image of Tyche became more widespread and her cult more common, her iconography and accoutrements took on a variety of forms. This was all the more true because the notion of Tyche as a divinity charged with the protection of cities became commonplace in the Hellenistic world and remained so into the Roman empire. As cities introduced the worship of Tyche into their own pantheons, they folded the goddess into local religious and artistic traditions.

8 Marble Statue. Vatican Museums, Rome, inv. 2672 (copy of original by Eutychides circa 300 BC). Tyche of Antioch, draped and veiled with mural crown, seated on a rock with river god (Orontes) at her feet, holding sheaves in her right hand. On the history of the Tyche of Antioch and the spread of Tyche cults to other cities, see Dohrn 1960; Matheson 1994; Christof 1999.

9 Houghton 1983, nos. 144–154, 158, 160, 164–166, 168, 527, 910–911, 991–993, 996–999. For the origins of the type under Demetrius I, see Fleischer 1986. See also coins of Demetrius II Houghton 1983, nos. 528–529, 1008, 1010, 1013, 1239–1242. Figure 16.4 shows a silver tetradrachm from the Antioch mint (AD 162–156). Ob: Diademed head of Demetrius I Soter, right within wreath. Re: ΒΑΣΙΛΕΩΣ/ΔΗΜΗΤΡΙΟΥ, Tyche seated left, holding baton in right hand, cornucopiae in left; winged tritoness supports throne, in exergue monogram: SNG Spaer 1258; Houghton 1983, no. 144.

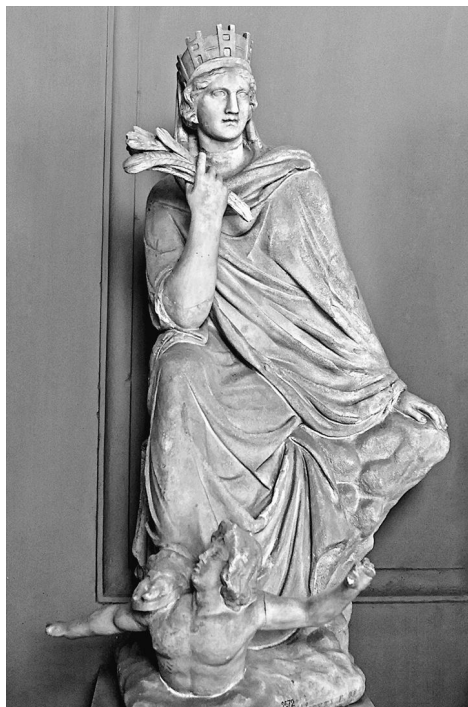


Figure 16.4 Marble statue of the Tyche of Antioch, Vatican Museums, Rome, inv. 2672.



Figure 16.5 Silver tetradrachm of king Demetrius I Soter, Houghton 1983, 9 no. 144.

This meant that she assumed a variety of forms even while retaining a series of common attributes tracing back to the Seleucid original.¹⁰

Byzantium also had its own Tyche guardian figure who preceded Constantine by centuries. She began to appear in the iconography with the Roman provincial coinage of Trajan and is first firmly identified as Tyche Poleos in the coinage of Marcus Aurelius.¹¹ Like Constantine's Tyche, she appears fully draped, with a mural crown and cornucopia, but rather than having a river god at her feet she has a rudder. This is obviously more closely linked to the ship of the Constantinian type, for both highlight Byzantium's importance as a port city, although by the imperial period, the rudder was a common attribute of Tyche all across the empire. Most important, however, unlike either the Constantinopolitan or the Antiochene type, Byzantium's Tyche stands, a pose that she holds on the provincial issues of the city down to the reign of Valerian and Gallienus, when Byzantium ceased to mint coins.¹² Constantine did not, therefore, invent the idea that Byzantium had a Tyche. He did, however, give her a seat.

That seat is of itself interesting, for unlike the rock on which the Tyche of Antioch is generally perched, Constantine's figure sits quite prominently on an elaborate throne. To be sure, this did not make her particularly unusual in the Roman period, for it would seem that, as Tyche spread throughout the cities of the Greek East and picked up various attributes of the local goddesses with whom she was assimilated, it became common for her to be associated both ritually and iconographically with the mother goddess Cybele, who was almost always enthroned.¹³ Thus, for example, in a relief from Dura Europos dated to AD 159 we see Nike offering a diadem to a goddess named in its Aramaic inscription Gad Tadmor, which can be reasonably translated Tyche of Palmyra (Figure 16.6). She has on her head the characteristic mural crown and at her feet a river god, in this instance symbolizing the city's famous Efqa spring.¹⁴ In addition, however, she is flanked by a lion, exactly as one or two lions are regularly depicted flanking the throne of Cybele or drawing her carriage.¹⁵ As shall

10 On this development, see Broucke 1994; Christof 1999.

11 Schönert-Geiss 1972, nos. 1393–1394, 1566, 1692–1693, 1705–1706, 1710, 1817–1819, 1828, 2072.

12 The standing Tyche with rudder and cornucopia is in fact the most common type on civic reverses from eastern cities. A search of the Roman Provincial Coinage site (<http://rpc.ashmus.ox.ac.uk>) for Tyche yields twenty-nine cities that minted this type as opposed to fifteen that depicted Tyche seated on a rock and seven that depicted her seated on a throne; cf. Villard 1997, 121–122.

13 On this process of assimilation see Broucke 1994; Christof 1999, 159–227.

14 Limestone Relief. Gad of Tadmor/Tyche of Palmyra (AD 159). Yale University Art Gallery, inv. 1983.5313. On the image see Matheson 1994, 27 fig. 12; Dirven 1999, pl. IV.

15 Naumann 1983, 229–234. Dirven 1999, 99–111, sees the lion of Gad Tadmor as a Semitic attribute linking Palmyra's Tyche to Astarte. The two interpretations need not be mutually exclusive, for Tyche's growing connection with lions can have manifested itself with varied and overlapping associations depending on topological, religious, and iconographic contexts.



Figure 16.6 Limestone relief of Gad Tadmor (Tyche of Palmyra), Yale University Art Gallery, inv. 1983.5313.

become clear, this attribute was central to Constantine's new Tyche as well, at least in her initial incarnation.

By enthroning his new Tyche, however, Constantine was not following eastern trends only. The most obvious comparison for his new goddess was of course the goddess Roma herself, who is regularly depicted seated on a throne.¹⁶ That Constantine and his iconographers wished to emphasize this connection cannot be doubted, for as a pendant to the Constantinopolis type Constantine also minted the same obverse with a reverse depicting the Dea Roma (Figure 16.7).¹⁷ This type has only recently come to the attention of scholars

¹⁶ Mellor 1981; Toynbee 1947.

¹⁷ Silver Medallion (16.17 g). Constantinople mint (AD 330). Ob: No legend. Head of Constantine, diademed, r., cropped straight and high on the neck. Re: MAX(imus) TRIVMF(ator) AVG(ustus)/D(ominus) N(oster) CONSTANTINVS in two vertical lines in the field. Roma, facing r., draped, with crested helmet, seated in an ornate, high-backed throne, with r. leg forward; r. hand bears a globe and l. a spear; shield rests on r. of throne; in exergue MCONSI. See Ramskold/Lenski 2012, nos. 16–18; cf. Dembski 1996.



Figure 16.7 Silver medallion of emperor Constantine. NAC 33 (2006), no. 597.

and numismatists after an exemplar appeared at auction in 1995. On it, Roma is also draped, perched on an ornate high-backed throne and with her right leg crossed in front of her left. Instead of wearing a mural crown she is helmeted, and instead of a cornucopia she bears her traditional attributes of scepter and globe. Constantinople's ship has been supplanted as an attribute by Roma's characteristic shield, propped at her right side. Despite these minor differences, the same unusual anepigraphic obverse with the same oversized head, diademed and cropped high on the neck, the same pose of the figure on the reverse, the same unusual dual vertical legend, and the exergue line, as well as the same weight and module leave no doubt that the two issues were meant to be viewed as twins. Most telling in this regard is that Roma's legend reads as an exact mirror to Constantinople's: MAX(imus) TRVMF(ator) AVG(ustus) on the right, followed by D(ominus) N(oster) CONSTANTINVS on the left. Constantinople was being compared to Rome or rather presented as a second Rome.¹⁸

For some time, numismatists had considered the Constantinopolis type to be extremely rare, and, as noted, the Roma type first surfaced only in 1995. A recent study has shown, however, that both types were more common than had been assumed.¹⁹ It has identified fifteen exemplars of the Constantinopolis reverse and three of the Roma, by no means a massive output but

¹⁸ Previous studies of Roma and Constantinopolis include Stryzowski 1893; Toynbee 1947; Kent 1978; Bühl 1995; Ntantalia 2001. All have emphasized that the direct iconographic comparison of Roma and Constantinopolis develops only later in the fourth century. In light of the publication of the new Roma medallion, this hypothesis must be revised.

¹⁹ Ramskold/Lenski 2012.

hardly an exiguous one either. All were issued from the mint of Constantinople, which appears to have been the only mint to have issued these types. This largely explains why they have not been found more widely, for unlike most late Roman coins—which were minted in multiple cities and can thus be found in corresponding abundance—these medallions were issued from one civic center alone. Nevertheless, the eighteen exemplars show that the types were minted in nine of the eleven *officinae* of the Constantinopolitan mint.²⁰ One can assume that as new exemplars are found and published, these will show that every workshop minted the type. Only two show die links, indicating that each workshop was minting simultaneously, and thus that the mint produced relatively high quantities. The coinage must have been abundant in Constantinople, but only there: it was, in other words, a *civic* issue much like the civic issues so common from the eastern Roman empire that then ceased to be minted in the late third century.²¹ Moreover, it was a civic issue minted on the standard of the tetradrachm. The average of reported weights range between 16.17 and 18.18 grams and average 17.28 grams, which is exactly in the range of Alexander the Great's tetradrachms.²² The coins were thus intended as a special issue: commemorative medallions outside the normal monetary system of a sort clearly meant to imitate a past tradition while highlighting a current event. And that event is, without doubt, the foundation of Constantinople, dateable to May 11, 330.²³

Now that the importance of these medallions to the story of the foundation of Constantinople has been established, it is worth examining this event in greater detail in order to bring these important coins into dialogue with our extant sources on the problem. Any discussion of the foundation of Constantinople must, however, take account of our extremely tenuous source record. We have no contemporary source that treats the problem directly in any detail, and most of our detailed sources date to the sixth century and later. The group of Byzantine sources that focus on the question, collectively known as the *Patria Constantinopoleos*, are notoriously unreliable, a mind-boggling mixture of fact and fiction. All of this has led to considerable divergence in the scholarly tradition ranging from a hopeless credulity up to the 1970s to an arch

20 *Officinae* B, Γ, Δ, E, S, Z, Θ, I, IA. See Bruun 1966, 562–568, on the organization of the mint.

21 See Harl 1987 for an overview.

22 Mørkholm 1982 shows that 83 percent of Alexander's tetradrachms from Ake and 71 percent from Babylon averaged 17.00–17.29g; cf. Mørkholm 1991, 7–11.

23 The association of the Constantinopolis type with the events of May 11, 330, was already made in the earliest literature on these medallions, Friedländer 1876, 127; Strzygowski 1893, 146; Toynbee 1947, 137; R.-Alföldi 1963, 150; Bruun 1966, 578 n. 53; Kent 1978, 105, 108; Bühl 1995, 10, 19–20; Dembski 1996.

skepticism from that point forward.²⁴ This has resulted in ongoing debate on a variety of questions, one of which in particular is treated in what follows: what were the pagan dimensions of Constantine's foundation? Were they, as some sources report, entirely eliminated, or were they, as others indicate, an important part of the city's rededication? To answer these questions we must keep in mind that the later sources, while fraught with problems, must *not* simply be discarded, particularly when they appear to be based on fragments—texts, statues, inscriptions—of the past still extant when they were written.

Our most detailed source on Constantinople's foundation is the sixth-century chonographer John Malalas, an author notorious for preserving important and authentic information in a sometimes garbled form.²⁵ In a notice he dates to 330, Malalas reports:

During the consulship of Gallicanus and Symmachus (AD 330), the former Byzantion was dedicated. The emperor Constantine made a lengthy *processus* (ποιήσαντος πρόκεσσον ἐπὶ πολλὸν χρόνον), going from Rome to Byzantion. He reconstructed the earlier city wall, that of Byzas, and added another great extension to the wall and, joining this to the old city wall, he ordered the city to be called Constantinople. He also completed the hippodrome and adorned it with bronze statues and with ornamentation of every kind, and built in it a *kathisma* for imperial viewing, in imitation of the one in Rome (καθ'ὁμοιότητα τοῦ ἐν Ῥώμῃ ὄντος). . . . The Tychē of the city that was being renewed by him and refounded in his name, after making a bloodless sacrifice to God, he named Anthousa (τὴν δὲ Τύχην τῆς πόλεως τῆς ὑπ' αὐτοῦ ἀνανεωθείσης καὶ εἰς ὄνομα αὐτοῦ κτισθείσης ποιήσας τῷ θεῷ θυσίαν ἀναίμακτον ἐκάλεσεν Ἀνθουσαν). This city had originally been built by Phidalia, and she at that time had called its Tyche Keroe. Phidalia had been married to Byzas, the king of Thrace, after the death of her father Barbysios, who was the toparch and the warden of the port. Barbysios on the point of death told Phidalia to make a wall for the place down to the sea. Byzas named the area after himself and ruled in the city.²⁶

After a section in which he describes further constructions of Constantine and the statues he dedicated in them, Malalas continues:

24 Contrast Janin 1964 with Dagron 1984a. For a reasoned middle ground, see Cameron/Herrin 1984 and Berger 1988.

25 See the studies in Jeffreys 1990.

26 Malal. *Chron.* 13.7–8 (Dindorf, 320–321 = Thurn, 245–246). The translation follows that of Jeffreys et al. 1986, 173–174, with modifications.

When he had finished everything he celebrated a race-meeting. He was the first to watch the spectacle there, and he wore then for the first time on his head a diadem set with pearls and precious stones (φορέσας τότε ἐν πρώτοις ἐν τῇ ἰδίᾳ αὐτοῦ κορυφῇ διάδημα διὰ μαργαριτῶν καὶ λίθων τιμίων), since he wished to fulfill the prophetic words which said: “You placed on his head a crown of precious stone” (Ps. 20: 4). None of the previous emperors had ever worn such a thing. He also celebrated a great festival on the 11th of May-Artemisios in the year 378 according to the era of Antioch the Great (AD 330), ordering by his sacred decree that on that day the festival of the Anniversary of his city should be celebrated. . . . He had another statue made of himself in gilded wood, bearing in its right hand the Tyche of the city, itself gilded, which he called Anthousa (ποιήσας ἑαυτῷ ἄλλην στήλην ξοάνου κεχρυσωμένην, βαστάζουσιν τῇ δεξιᾷ αὐτοῦ χειρὶ τὴν τύχην τῆς αὐτῆς πόλεως καὶ αὐτὴν κεχρυσωμένην, ἣν ἐκάλεσεν Ἀνθουσάν). He ordered that on the same day as the anniversary race-meeting this wooden statue should be brought in, escorted by the soldiers wearing cloaks and boots, all holding candles: the carriage should march around the turning post and reach the pit opposite the imperial kathisma, and the emperor of the time should rise and make obeisance as he gazed at this statue of Constantine and the Tyche of the city (ὥς θεωρεῖ τὴν αὐτὴν στήλην Κωνσταντίνου καὶ τῆς τύχης τῆς πόλεως). This custom has been maintained up to the present day (καὶ πεφύλακται τοῦτο τὸ ἔθος ἕως τοῦ νῦν).²⁷

Malalas’ description is rich in information and highly evocative. The question is, how reliable is it? Malalas is known for having employed a broad variety of sources contemporary with the events they describe. Unfortunately, he is also known for often having misrepresented or distorted the reports of those sources. In the instance of Constantinople’s foundation, then, was Malalas using a good contemporary or near contemporary source, and was he transmitting it accurately?

Malalas’ Greek survives to us primarily through a single manuscript that is marred by inaccuracies and lacunae.²⁸ It derives from a recension of the text that continued down to Justinian’s death in AD 565. We know, however, of an earlier recension that stopped in 532, one of the best witnesses to which is the early seventh-century *Chronicon Paschale* (CP).²⁹ This chronicle preserves a

27 Malal. *Chron.* 13.8 (Dindorf, 321–322 = Thurn, 246–247).

28 See Jeffreys 1990, 245–311; Thurn 2000, 1*–15*.

29 Whitby/Whitby 1989, xvi–xvii; Jeffreys 1990, 252–253.

version of the foundation of Constantinople that represents nearly a verbatim transcript of Malalas,³⁰ yet the *CP* version also differs in significant ways. Above all, the *CP* is more precise on chronology, leading one to wonder whether the earlier recension of Malalas used by *CP* was superior to the later version, or whether perhaps the *CP* may have corrected Malalas using external material. Regardless, by combining the reports of the two parallel texts, we can arrive at a version whose accuracy is largely verifiable and many of whose details can be confirmed from other sources. Furthermore, Malalas' account uses no less than six Latin words (four of them *hapax legomena* in his corpus), of which *CP* preserves four, a strong indication that the original source for the report was in Latin.³¹ Thus, while we must be cautious about assigning too much weight to such late sources, their reports can and should be brought to bear on the problem as important evidence for an event that goes underreported in fourth-century accounts.

The first part of Malalas-*CP* confirms what we have seen from the provincial coins of Byzantium, that the city already had a cult of Tyche before Constantine's refoundation. Furthermore, it shows that the city associated this cult with its legendary founder Byzas, a figure similarly well attested in pre-Constantinian sources, both textual and numismatic.³² It seems reasonable, then, to trust the—otherwise unconfirmed—report that Constantine restored and rebuilt the existing cult while renaming its goddess Anthousa, the “Bloomer.” The second part of Malalas-*CP* indicates that Constantine created a portable image of himself in gilded wood that held a smaller statue of this same Tyche. Both parts indicate further that ritual veneration was offered in connection with these statues. In the first we learn that Constantine himself performed a “bloodless sacrifice” to God as part of the dedication of the Tyche. This curious expression should be taken seriously, perhaps to indicate an offering of incense or wine, given what we know about Constantine's rabid distaste for blood sacrifice.³³ The second part then shows how Constantine

30 *Chron. Pasch.* 527–530 (Dindorf). See also the translation of Whitby/Whitby 1989, 15–19.

31 See πρόκεσσον (cf. *processus*), διριγενομένην (cf. *dirigere*), φόρον (cf. *forum*), καμπαγίων (cf. *campagus*), ρογεύεσθαι (cf. *rogare*), βέστια (cf. *vestis*). *Chron. Pasch.* transcribes all but the last two, which fall in a section it omits.

32 Diod. Sic. 4.49.1; Philost. *Vit. Soph.* 1.24; Schönert-Geiss 1972, 20–21, with nos. 2032–2074.

33 Constantine's distaste for blood sacrifice is clear from, for example, his Hispellum decree: CIL 11.5265 = ILS 705.46–47. It also appears in his letter to Shapur II (Euseb. *Vit. Const.* 4.10.1). For debate on whether Constantine issued a law banning blood sacrifice, as reported at Euseb. *Vit. Const.* 4.25.1, cf. 2.45.1 and *Cod. Theod.* 16.10.2, see Bradbury 1994, which summarizes earlier scholarship. It is unclear whether the notion of “bloodless sacrifice” also lies at the root of the prolific *beata tranquillitas* bronze series issued from western mints beginning in 321, which featured an inscribed altar surmounted by a globe, RIC 7 Londinium 199–288; Lugdunum 125–208; Treveri 303–334, 341–355, 368–428.

invented a new ritual, held at the dedication of the city and prescribed into the future, that involved a procession of soldiers bearing candles who escorted the wooden image of the emperor holding the Tyche into the hippodrome where the living emperor—and presumably the spectators—performed obeisance to it. Confirmation of this ceremony can be found in a different source tradition, the eighth-century *Parastaseis Syntomoi Chronikai*.³⁴

For up to the time of Theodosius the Great there was a spectacle enacted by the citizens in the Hippodrome (Ἔως γὰρ Θεοδοσίου τοῦ μεγάλου θέαμα παρὰ τῶν πολιτῶν γέγονεν: AD 379–395) when everyone with candles and white chlamydes came in conveying this same statue alone on a chariot [or a carriage] up to the Stama from the starting gates. They used to perform this each time that the birthday of the city was celebrated.³⁵

The implication that this ceremony was discontinued under Theodosius would seem to contradict the final sentence quoted above from Malalas: “this custom has been maintained up to the present day.” While some have rejected the *Parastaseis*’ notice that Theodosius’ reign put an end to this festival in favor of Malalas’ testimony,³⁶ a more elegant explanation is that Malalas was simply copying from a fourth-century source written before Theodosius abolished the ritual.

Another strong indication of the contemporaneity of Malalas’ source is the reference to Constantine’s first use of the jeweled diadem and to his lengthy procession from Rome to Constantinople around the time of the foundation. The first comes in the second part of Malalas’ narrative where he states that at the ceremonies for Constantinople’s dedication, “he wore then for the first time on his head a diadem set with pearls and precious stones.”³⁷ Numismatic and textual evidence allows us to date the introduction of the jeweled diadem to 326, when it first appears on coins from the mints of Rome and Constantinople.³⁸ This was of course the year of Constantine’s *vicennalia*, during which he made a journey from Nicomedia to Rome to celebrate his anniversary on July 25, 326. He then returned in a slow and stately procession from west to east, finally reaching Constantinople again only in early 327.³⁹ This same journey is described in the first part of Malalas’ foundation

34 On this source, see Cameron/Herrin 1984, 1–48.

35 *Parast. synt. chron.* 5 (Preger, 21), trans. Cameron/Herrin 1984, 61.

36 Cameron/Herrin 1984, 172–173.

37 Malal. *Chron.* 13.8 (Dindorf, 321 = Thurn, 246–247), quoted above on page 341; cf. *Chron. Pasch.* 529 (Dindorf): φορέσας πρώτοις διάδημα διὰ μαργαριτῶν καὶ ἐτέρων τιμίων λίθων.

38 RIC 7 Roma 279, 281; Constantinopolis 2, 5. Constantine had already introduced a simpler fillet-diadem in 325. On the date, see Delbrueck 1933, 58–62; R.-Alföldi 1963, 93–94; Bastien 1992–1994, vol. 1, 56–58; contra Bruun 1966, 489, who wished to date to 324.

39 Sources at Barnes 1982, 77.

narrative, which begins, “The emperor Constantine made a lengthy *processus*, going from Rome to Byzantium.”⁴⁰ Here we meet with remarkable precision coming from a sixth-century source. Even if Malalas does date this procession as well as the introduction of the jeweled diadem to the consular year 330, this must result from his tendency to clump all of his material relevant to the foundation of the new capital under a single consular year, a common practice of chronographers. The fact, however, that Malalas (and *CP*) connect the lengthy procession eastward from Rome, the introduction of the jeweled diadem, and the inauguration of Constantinople is good evidence that the original source was indeed well informed. Furthermore, it is noteworthy that the *CP* version of the same events further articulates its narrative chronologically and places the first part, including the *processus*, in the consular year 328, only one year off from the actual date of Constantine’s eastward journey.⁴¹ Only a source close to Constantine’s own day could have had knowledge of such details concerning the emperor’s itinerary and his fashion accessories and their connection with the foundation of Constantinople.⁴²

Some have downplayed the religious significance of the ceremonies associated with Constantinople’s foundation. In their extremely valuable commentary on the *Parastaseis*, for example, Av. Cameron and J. Herrin argue that the ceremony was, “strictly neutral, neither Christian nor specifically pagan (for the role of the Tyche was symbolic rather than religious).”⁴³ Yet surely the ceremonies were bubbling with religion, albeit religion of a new sort. Building on a base of traditional pagan ceremonial before a pagan deity, Constantine substituted bloodless for traditional blood sacrifice and a military parade of lights for a pagan processional. Nor are Malalas-*CP* and the *Parastaseis* the only testimony to the rituals involved. The early fifth-century ecclesiastical historian Philostorgius, who had access to good fourth-century pagan sources, reports that Constantine ritually marked off the perimeter of his new foundation

40 Malal. *Chron.* 13.7 (Dindorf, 320 = Thurn, 245).

41 *Chron. Pasch.* 527–528 (Dindorf): Ἰνδ. α'. κγ'. ὑπ. Ἰανουαρίου καὶ Ἰούστου (a. 328). . . . Κωνσταντίνος ὁ αὐδιδμος βασιλεὺς ἀπὸ Ῥώμης ἐλθὼν, καὶ διὰ γων ἐν Νικομηδείᾳ, μητροπόλει τῆς Βιθυνίας, ποιήσας πρόκεσσα ἐπὶ πολὺν χρόνον ἐν τῷ Βυζαντίῳ, ἀνενέωσε τὸ πρῶτον τεῖχος τῆς Βύζου πόλεως . . .

42 Constantine’s assumption of the jeweled diadem in connection with the foundation of Constantinople may help explain a scholion to Photius which claims that Praxagoras used the Ionic form μαργαρίδαι for μαργαρίται in the second and final book of his History of Constantine, Phot. *Bibl.* 63: τὸ δὲ μαργαρίδαι παρά τε Πραξαγόρα ἰωνίζοντι ἐν τῇ περὶ τὸν μέγαν Κωνσταντῖνον δευτέρᾳ ἱστορίᾳ καὶ παρ’ ἄλλοις. Bleckmann 1999c, 210 was the first to discover this text as a fragment of Praxagoras’ now lost text which, Bleckmann shows, closed with the foundation of Constantinople.

43 Cameron/Herrin 1984, 243.

under the guidance of a divine vision.⁴⁴ This may imply that the emperor was conducting some version of the venerable Republican ritual of *limitatio* supposedly performed by Romulus at the foundation of Rome and then reenacted by subsequent emperors down to Aurelian each time Rome's city walls were extended.⁴⁵ Philostorgius takes the story as confirmation that Constantine's foundation was inspired by an angel sent from the Christian god, but the truth is probably more complex. John Lydus names two pagans who were present at the initiation of the city, and while the first of these, Praetextatus, is likely anachronistic, the second, Sopatros, is certainly not.⁴⁶ It has been argued based on Lydus that such pagan priests offered guidance to Constantine in the conduct of this reverend ceremony.⁴⁷ And even if this cannot be confirmed, we do at least know that Constantine himself professed directly his conviction that he had been inspired by god in founding Constantinople, first in a letter from around the time of the foundation and then in a law of 334.⁴⁸ We can assume that he would have been content leaving his subjects guessing about the precise nature of that god.

If the report on *limitatio* can be trusted, Constantine must have performed this ceremony when he inaugurated his reconstruction of the city, some years before its dedication in 330. From a passage in Themistius we can date the public announcement of his plans to rebuild to November 324; a reference in Julian then informs us that the process of construction lasted almost ten years.⁴⁹ There were thus at least two separate ceremonies, one circa 324 and one in 330, that involved pagan elements in the refoundation of Constantinople. Indeed, there were likely other ceremonies conducted in the fledgling capital as well, particularly when important anniversaries were celebrated or individual structures completed. The hippodrome, for example, was not built *ex novo* but merely extended by Constantine and may well have been dedicated before 330. If so, this may have offered the occasion for the introduction of the jeweled diadem

44 Philost. *Hist. eccl.* 2.9: καὶ τὸν περίβολον ὀρίζομενον βάδην τε περιεῖναι, τὸ δόρυ τῇ χειρὶ φέροντα . . . ἐπίδηλον ποιοῦντα ὡς δύναμις αὐτοῦ τις οὐράνια προηγοῖτο, τοῦ πραττομένου διδάσκαλος; cf. 2.9a. On Philostorgius' sources, which included Eunapius, see Bidez/Winkelman 1972, cxxxiv–cxl.

45 On Aurelian's *limitatio*, see *Hist. Aug. Aurel.* 21.9–11. On Rome's *pomerium* and its extension via *limitatio*, see Rüpke 1990, 30–41; Beard et al. 1998, vol. 1, 177–181.

46 *Lyd. Mens.* 4.2.

47 See especially Cracco Ruggini 1980.

48 Euseb. *Vit. Const.* 4.36.4: Κατὰ τὴν ἐπώνυμον ἡμῖν πόλιν, τῆς τοῦ Σωτῆρος Θεοῦ συναιρομένης προνοίας; *Cod. Theod.* 13.5.7 (Dec. 1, 334): *Pro commoditate urbis, quam aeterno nomine iubente deo donavimus*; cf. *Socr. Hist. eccl.* 1.9.50–51; *Gelas. Hist. eccl.* 3.4; *Theod. Hist. eccl.* 1.16.1.

49 *Them. Or.* 4.58b; *Iul. Or.* 1.7D–8D.

discussed above, for it is specifically in the context of games at the hippodrome that Malalas-CP locate Constantine's assumption of this new *insigne*.

In his disappointingly brief and tendentious description of the foundation of Constantinople, Eusebius reports about Constantine:

Being full of the breath of God's wisdom, which he reckoned a city bearing his own name should display, he saw fit to purge it of all idol worship, so that nowhere in it appeared those images of the supposed gods which are worshipped in temples (ὥς μηδαμοῦ φαίνεσθαι ἐν αὐτῇ τῶν δὴ νομιζομένων θεῶν ἀγάλματα ἐν ἱεροῖς θρησκευόμενα), nor altars foul with bloody slaughter, nor sacrifice offered as holocaust in fire, nor feasts of demons, nor any of the other customs of the superstitious.⁵⁰

Categorical though this pronouncement seems, it stands in complete contrast with the testimony of several other sources and particularly of Zosimus, which was of course based on the fourth-century Eunapius.⁵¹ In describing the foundation of Constantinople, Zosimus claims that Constantine incorporated a temple of the Dioscouri into the Hippodrome and that

There was in Byzantium a huge forum consisting of four porticoes (Οὔσης δὲ ἐν τῷ Βυζαντίῳ μεγίστης ἀγορᾶς τετραστούου), and at the end of one of them which has numerous steps leading up to it, he built two temples, setting up statues in them (ναοὺς ὑποδομήσατο δύο, ἐγκαθιδρύσας ἀγάλματα). In one he put a statue of Rhea, mother of the gods (θατέρῳ μὲν μητρὸς θεῶν Πέας). This was the statue which those who sailed with Jason happened to set up on Mount Dindymus overlooking the city of Cyzicus, but they say he defaced it through his disregard for religion, by taking away the lions on each side and changing the arrangement of the hands; for whereas previously she looked like she was restraining lions, now she was changed into the form of someone praying and looking over the city and honoring it. And in the other, he put the statue of Fortuna Romae (ἐν δὲ θατέρῳ Πώμης ιδρύσατο Τύχην).⁵²

There has been some confusion about the identification of the statues that stood in these twin temples. Some have wanted to associate the second, the "Fortuna Romae," with the Tyche of Constantinople, the "second Rome," and thus to assume that Constantine dedicated a temple to Rhea and another to

50 Euseb. *Vit. Const.* 3.48.2, trans. Cameron/Hall 1999, 140.

51 On Zosimus' use of Eunapius for this period, see Paschoud 1971, xxxv–lxiii.

52 Zos. *Nea hist.* 2.31.2–3, trans. Ridley 1982, 38, with modifications.

Constantinople's Tyche.⁵³ A closer reading indicates instead that the Ῥώμη Τύχη was in fact the Dea Roma and that the Rhea statue Zosimus mentions was a pagan idol converted by Constantine into a statue of the Τύχη Κωνσταντινουπόλεως.⁵⁴ Rhea was of course a classicizing name for the mother goddess, the sort of lexicon one would expect from Zosimus and his linguistically conservative source Eunapius. Nevertheless, given that she came from the Anatolian city of Cyzicus, she would have borne the typically Anatolian attributes of Cybele-Magna Mater. Indeed, Cyzicus' main cult was that of Cybele, a tradition that dated back a millennium before Constantine.⁵⁵ This explains Zosimus' report that she was flanked by lions, which Constantine then lopped off. The statue was, in other words, most likely a seated Cybele figure like those mentioned earlier. Under the Empire, as explained above, Cybele and civic Tychai were often assimilated in cult and iconography. Both were portrayed enthroned, draped, with mural crowns, and usually flanked by one or two lions. Indeed, this is precisely how Cybele-Magna Mater-Rhea was portrayed in Cyzicus (Figure 16.8).⁵⁶ What Zosimus describes, then, is a pair of pendant temples bearing in one the image of the Dea Roma and in the other the Tyche of Constantinople. We have thus come full circle back to the coins. The medallions Constantine distributed at the foundation ceremonial were meant to advertise the protective deities of the city and by extension of the empire, Roma and Constantinopolis.

In a passage from Ps.-Hesychios' work on the legend of Byzantium, we learn that when the mythical Byzas initiated his city, he set up a number of temples including one to Rhea, which was honored by the citizens as a Tychaion. Like Zosimus, then, Ps.-Hesychios associates the city's Tyche with the mother goddess Rhea. Furthermore, he claims that Byzas' temple was collocated in the area known as the Basilikē.⁵⁷ From other sources we can establish that Constantinople's Tychaion was also located in the Basilikē or, as it is termed in Latin, the Regia.⁵⁸ It seems likely then that Ps.-Hesychios is broadly correct in identifying an important temple to the Great Mother on the site where

53 Bassett 2004, 24, 72.

54 This connection was already made by von Florencourt 1844, 109–110, and has been repeated many times since, most recently by Ntantalia 2001, 78–79, with earlier bibliography.

55 Sources and discussion at Hasluck 1910, 214–222; Vermaseren 1987, 91–97.

56 Limestone statuette. Istanbul, Archaeological Museum, inv. 655. Cybele draped and veiled, seated on an ornate throne, wearing a mural crown (damaged), and flanked by a lion; found near Cyzikus. See Naumann 1983, 233–234, 256. On the connection, see already Amelung 1899; cf. Bassett 2004, 155.

57 Ps.-Hesych. 15 (Preger p. 6): Ῥέας μὲν κατὰ τὸν τῆς Βασιλικῆς λεγόμενον τόπον νεῶν τε καὶ ἄγαλμα καθιδρύσατο, ὅπερ καὶ Τυχαῖον τοῖς πολίταις τετίμηται; cf. Bühl 1995, 30–34.

58 Socr. *Hist. eccl.* 3.11.4; Anth. Plan. 9.697 with Cameron 1976b; Bauer 1996, 218–224.



Figure 16.8 Limestone statuette of Cybele, Archaeological Museum, Istanbul, Inv. 655.

Constantine deliberately chose to build the city's new Tychaion. This fits nicely, furthermore, with Constantine's choice to fashion the cult statue of Constantinople's Tyche in the manner—indeed out of a statue—of the Great Mother, even while he renamed it from Keroe to Anthousa.

The final question we might pose, however, is, did the city's Tyche continue to be worshipped after Constantine's reappropriation of the cult and, if so, what changes did Constantine effect in her worship? Though the evidence is scanty, there are indications that worship of Byzantium's Tyche—now the Constantinopolitan Tyche—continued well after the emperor's reign. These come primarily in notices about Julian, who celebrated the new year 362 there with considerable pomp and circumstance. Socrates tells us: "Moreover, he favored the pagan superstitions with the whole weight of his authority: and the temples of the heathen were opened, as we have before stated; but he himself also publicly offered sacrifices to Fortune, goddess of Constantinople, in the Basilikē."⁵⁹

⁵⁹ Socr. *Hist. eccl.* 3.11.3–4, esp. θυσίας δὲ ἐπετέλει τῇ Κωνσταντινουπόλεως Τύχῃ δημοσίᾳ ἐν τῇ βασιλικῇ, ἔνθα καὶ τὸ τῆς Τύχης ἴδρυται ἄγαλμα.

In a related report, Sozomen elaborates that when Julian went to sacrifice at the temple of the Fortune of Constantinople, he was confronted by the confessor Maris of Chalcedon and rebuked for his irreligiosity.⁶⁰ The incident may be the source of an epigram written by Julian—"To the citizens when they acclaimed him in the Temple of Tyche"—in which he implores the people to acclaim him in the theater but keep silent when he is worshipping the gods.⁶¹ The contention that the initiation of a temple to Tyche was strictly civic and devoid of religious significance must then be modified. While one might contend that Julian's interpretation of Constantine's "desacralized" Tychaion was a perversion of his uncle's intention, this would be to miss the point: by so obviously linking Constantinople's new "civic" cult to its antique predecessor, Constantine was leaving the door wide open to pagans like Julian who chose to worship the Tyche as a goddess on their own terms.

Indeed, Julian's attachment to Tyche more broadly and quite specifically to the Tyche of Constantinople may have gone back well before he became emperor. He was, after all, born in Constantinople, a point emphasized by his panegyrist Mamertinus, who lauded Julian for the special gifts bestowed on him by Fortuna in his panegyric delivered to the emperor on January 1, 362, in Constantinople.⁶² Furthermore, Julian had also studied at the university in Constantinople, which was located in the Basilikē.⁶³ He made a great show of sacrificing to Tyche at Antioch, alongside sacrifices to Hermes, Pan, Demeter, Ares, Apollo, and Zeus, an indication that she had become as important in the Greek pantheon as the traditional Olympian deities.⁶⁴ To be sure, Tyche had an association with the civic fundamentals of eastern cities that rendered her less fully individualized than those deities. For her fourth-century worshippers, however, this was actually a boon, for without shearing the goddess of holiness, her civic associations shielded her from attacks: who would defile a city's protective deity? Thus Sozomen reports that the temple of Tyche was the last pagan shrine remaining in the heavily Christianized city of Cappadocian Caesarea by the time Julian came to power. When Christian zealots finally destroyed this temple as well, Julian became furious; he deprived the city of its name and civic status, enrolled its clergy in limitanean garrisons, and blamed

60 Sozom. *Hist. eccl.* 5.4.8–9; cf. Suda s.v. Μάρτις (M 201).

61 Iul. *Poemata et fragmenta* 176.

62 Pan. lat. 3(11).2.3–4 and 27.2: *Quae maiora exspectabimus dei praemia, quae uberiora dona Fortunae?*

63 Socr. *Hist. eccl.* 3.1.9; cf. Janin 1964, 157–158.

64 Iul. *Mis.* 15 (346b–c). Meyer 2000 assembles a corpus of extant Tyche figurines which, she argues, were worshipped in private household shrines.

its pagan inhabitants for not rallying to Tyche's defense, even at the risk of death.⁶⁵ Tyche was thus a goddess like any other, a goddess who merited devotion and, in both senses of the word, sacrifice.

Indeed, Constantine himself may well have offered a major dedication to Tyche-Fortuna qua goddess in Constantinople. At the easternmost edge of the cape there stood until modern times a monumental column with a dedicatory base bearing the following inscription: *fortunae/reduci ob/devictos Gothos*.⁶⁶ Mommsen dated the inscription to Constantine's defeat of the Goths in 332 and this date has been widely accepted, although a recent article of Rudolf Stichel has attempted to redate it to the 490s.⁶⁷ Stichel's argument is, however, weak on several points and Mommsen's view will likely prevail. If so, this would mean that in addition to founding a temple to the Tyche of the city, Constantine also dedicated a victory monument to Fortuna Redux. Indeed, monuments to and statues of Tyche seem to have been found in considerable abundance across the city.⁶⁸ In addition to the Tychaion in the Basilikē, there was also the gilded wooden image of Constantine holding the Tyche mentioned by Malalas, which probably stood at the Philadelphion;⁶⁹ several sources indicate that there was another image of Tyche kept on the Milion;⁷⁰ a passage in the *Patria Constantinopoleos* indicates a fourth near one of the city's eastern gates;⁷¹ and an entry from Marcellinus Comes reports a fifth Tyche in the Strategion.⁷² The last notice reports that in 510 the statue was burnt and lost an arm, but that the *statuarii* immediately repaired it. The reason for their speedy action—and for the report of this sign in Marcellinus whatsoever—was of course that, in the minds of sixth-century Byzantines, the statue was imbued with divine power and could have become very dangerous very quickly had it not been repaired.

65 Sozom. *Hist. eccl.* 5.4.1–4; Greg. Naz. *Or.* 4.92; *Or.* 18.34. It is difficult to know what to make of the notice at *Parast. synt. chron.* 38 (Preger p. 42); Suda s.v. Μίλιον (M 1065) reporting that Julian had an image of Tyche on the Milion thrown into a pit because it had a cross engraved on it; see Cameron/Herrin 1984, 216.

66 CIL 3.733 = ILS 820 = IK 58.1 no. 15 = AE 1999.1506.

67 Stichel 1999.

68 For what follows, see Strzygowski 1893; cf. Dagron 1984b, 43–45.

69 Malal. *Chron.* 13.8 (Dindorf, 322 = Thurn, 247); cf. *Chron. Pasch.* 530 (Dindorf); *Parast. synt. chron.* 56 (Preger, 56).

70 *Parast. synt. chron.* 34, 38 (Preger, 38, 42); cf. *Patr. Const.* 2.29 (22 κβ: Preger, 166); Suda s.v. Μίλιον (M 1065).

71 *Patr. Const.* 2.101 (38 λη: Preger, 205) with Berger 1988, 305.

72 Marc. Com. s.a. 510: *Simulacrum aeneum in foro Strategii super fornecem residens et cornu copiae Fortunae retinens incendio proflammatum est combustumque amisit brachium, quod tamen statuarii continuo solidarunt*; cf. *Patr. Const.* 2.61 (87–8 πθ, ρκ: Preger, 184) with Berger 1988, 410; Bauer 1996, 227.

Indeed, a passage in Zonaras reports the sort of thing that could happen if the statue of Tyche had not been restored. When a bronze statue of Tyche located “somewhere in the city” became detached from the boat at its feet in the early eighth century, Constantinople’s grain ships were unable to reach port because of contrary winds until the statue had been fixed.⁷³ There is of course no way to know which of the statues in this catalogue were installed under Constantine, but the point is that his initiation of a cult of Tyche in Constantinople opened the space for the practice of various forms of religious devotion to a fundamentally pagan deity that lasted deep into Byzantine history.

In this sense we can see how wrong Eusebius was to have implied that Constantine founded Constantinople as a *tabula rasa*, devoid of all traces of paganism. Eusebius was of course well aware that Constantine had imported any number of statues from pagan cult centers into the city, but his argument was: “To these under the name of gods those sick with error had for long ages vainly offered innumerable hecatombs, and whole burnt sacrifices, but now they at last learnt sense, as the Emperor used these very toys for the laughter and amusement of the spectators.”⁷⁴ Mockery may or may not have been the goal of Constantine’s expropriation of cult statues, but the net effect was surely anything but humorous. As the passage from Zosimus and indeed the entire *Patria* tradition show, the inhabitants of Constantinople did not regard these statues as lifeless artworks or contemptible objects of scorn. They became, indeed they always had been, powerful receptacles of supernatural energy scattered across the city like so many wraiths.⁷⁵ For those not yet converted to Christianity, which surely meant the majority of Byzantium’s inhabitants in 330, they were more than this. They were gods in their presence. Constantine’s must not then have been simply an effort to mock the pagan idols. By all means he aimed to control them, but his readiness to adopt them into the landscape of his new capital showed a degree of reverence that then resonated with his subjects, pagan and Christian, for centuries to come.

Constantine thus founded a new cult in his new city that was anything but strictly Christian. In his effort to gain the upper hand in the discourse of civic religion he took Byzantium’s Tyche, sat her down (so to speak), gave her a new name, a new temple, and new rituals better suited to an empire in the process

73 Zonar. 14.4 (Dindorf 3.263–4): ἄγαλμα τῆς Τύχης τῆς πόλεως ἐν εἵδει γυναικὸς ἐκ χαλκοῦ πεποιημένον, θάτερον τῶν ποδῶν ἐντὸς νηὸς ἐχούσης πρὸ αὐτῆς ἐστῶσης καὶ ὁμοίας ὕλης ἐξεργασμένης, ἵστασθαι πρὸς τῆς πόλεως.

74 Euseb. *Vit. Const.* 3.54.3, esp. τοῦτοις αὐτοῖς ἀθύρμασιν ἐπὶ γέλῳ καὶ παιδιᾷ τῶν ὁρώντων βασιλέως κεχρημένου.

75 On the divine power attributed to Constantinople’s statues by its Byzantine citizens, see esp. Cameron/Herrin 1984, 31–34.

of Christianization. Nevertheless, he emphatically did not eliminate her nor, more important, eliminate religious devotion to her. On the contrary, he encouraged it, he promoted it. He did so very much on his own terms—with a festival of lights, a military procession, a bloodless sacrifice, and annual games. His was thus a fairly conservative religious move for a man who professed to be a Christian revolutionary. It took only a Julian to reappropriate Byzantium's Tyche cult as a forum for blood sacrifice, and it ultimately took a Theodosius to abolish her worship altogether. Constantine's approach was rather characteristic of what we know of his religious policy from other sources, an approach only he could have conceptualized in his genius for bridging the gap between past and future. His contest for monarchy was thus inflected with a deep understanding of the limits of his power as a religious leader and of his authority over the pagan majority over whom he strove to rule.

A Vain Quest for Unity

Creeds and Political (Dis)Integration in the Reign of Constantius II

STEFFEN DIEFENBACH

“NOW IS THE TIME TO SPEAK, BECAUSE THE TIME FOR SILENCE HAS passed. Let one expect Christ, because the Antichrist has prevailed.”¹ With these apocalyptic words Hilary of Poitiers opened a famous pamphlet, written in 360 or 361² and directed against the religious policy of Emperor Constantius II, who is openly identified with the Antichrist.³ The reason for Hilary’s harsh criticism was the emperor’s attempt to put an end to the enduring controversy over the Trinitarian doctrine and its most pugnacious champion Athanasius of Alexandria. Constantius’ backing of the so-called Homoean Creed or the “Creed of Constantinople” from late 359 was intended to end all discussion of these matters once and for all⁴—a hope that would be disappointed in the event, however, as the ongoing debates and the bouleversement of imperial church politics from the early 380s onward would come to make clear.

Hilary’s reaction to the emperor’s church policy may be regarded as an extraordinary but symptomatic example of the ways in which the person of the emperor was open to censure under the terms of Christian discourse. Constantius II’s church policy notoriously met with severe criticism not only from Hilary of Poitiers. The charges made by Athanasius and his supporters range from the relatively weak verdict of inconsistency⁵ to markedly harsher

1 Hil. *C. Const.* 1.1: *tempus est loquendi, quia iam praeteriit tempus tacendi. Christus expectetur, quia obtinuit antichristus.*

2 The text was presumably composed in 360 immediately after the Synod of Constantinople (for this traditional dating, which depends predominantly on Hil. *C. Const.* 1.2, see Barnes 1988; Barnes 1993, 150–151). Alternatively, it belongs at the end of 361 after the death of Constantius (Brennecke 1984, 218, citing Jer. *Vir. ill.* 100). An intermediate position (different stages of editing) is taken by Rocher 1987, 29–38, who places the first version in summer 360, and the final redaction after the death of Constantius II.

3 Hil. *C. Const.* 5.

4 On this characterization of the Creed of Constantinople, *infra* n. 38 and 72.

5 On the accusation that Constantius’ promotion of different creeds shows his insufficient grounding in the true and immutable faith, cf. Klein 1977, 6–9. Klein, however, exaggerates in regarding this

attacks that branded the emperor variously as a tyrannical autocrat, as an Old Testament *rex apostaticus*, as Pharaoh, Pilate, or even—as mentioned—the Antichrist: an emperor acting as a persecutor of Christians even after the end of the persecutions.⁶ Constantius II thus provides a perfect example of the disintegrating impact that Christian religious discourses could bring to bear on the Roman emperors: the religious *persona* of the emperor was open to criticism to a far greater extent than before the “Conversion of Constantine”;⁷ by appealing to biblical texts and martyr acts, Christian discourses tapped a new reservoir of cultural models that could be deployed to delegitimize the emperor.⁸

Especially regarding Constantius II, the motives and developments of the criticism of the emperor’s religious *persona* in single Christian authors like Hilary of Poitiers or Athanasius of Alexandria have already been studied in considerable detail.⁹ Thus, the general outlines of these mechanisms of

line of argument as general criticism of Constantius. Among contemporaries, Athanasius in particular made use of this argument (Athan. *Decr. Nicaen.* 1.4; *Ep. ad episc. Aeg. Lib.* 5–6; *Synod.* 4.6.14.32). The verdict of Hilary of Poitiers is completely different: he views the multitude of creeds formulated since Nicaea not as evidence of deficient belief, but rather quite favorably (Hil. *Synod.* 28.65; cf. also Brennecke 1984, 349).

6 Cf. inter al. Athan. *Hist. Arian.* 45.5, 53.5, 68.1; Lucif. *Reg. apost.* 7–8; Lucif. *Athan.* I 16 (Ahab); Athan. *Hist. Arian.* 37.1, 67.3–4; Lucif. *Reg. apost.* 2 (Saul), 8–10 (Manasse); Athan. *Hist. Arian.* 30.4, 34.2 and *passim*; Lucif. *Athan.* I 34 (Pharaoh); Athan. *Hist. Arian.* 68.2–3 (Pilate), 41.2 (Pilate und Caiaphas); Hil. *C. Const.* 1.5–8, and Athan. *Hist. Arian.* 40.1–2, 74, 76–77, 80.1 (new persecutor and Antichrist). On the variety of such accusations, cf. Portmann 2002, Laconi 2004, 119–142, and Flower 2013.

7 The emperor’s traditional role as *pontifex maximus* did not possess comparable disintegrative potential: whereas the *sacra publica* and the supreme pontificate were directly related to the maintenance of the political order, Christianization subjected the religious *persona* of the emperor to a largely non-political standard, namely, ensuring the salvation of the inhabitants of the empire. Only on these premises could political norms create tension with the emperor’s religious obligations and threaten to disintegrate the political and the religious *persona* of the emperor. Moreover, with respect to communication, the supreme pontificate under the empire was geographically confined to Rome and Italy, and to limited areas of interaction in terms of substance (Rüpke 2005, vol. 3, 1609–1614, contra Stepper 2003). The religious role of the emperor as *pontifex maximus* cannot therefore be viewed as shaping perceptions or discourses concerning his relationship to the Christian church. The significance of the pontificate, in my opinion, has traditionally been greatly exaggerated, especially for imperial self-understanding with respect to the Christian church since Constantine (cf. most recently Girardet 2010, 147–149, on Constantine; on Constantius II, Bonamente 2000; Barceló 2004, 22, 190–193; on later Roman monarchy in general, Al. Cameron 2007). I am in the process of preparing a detailed study of this question.

8 In contrast to Athanasius, whose arguments and cultural models are consistently drawn from the Bible (cf. Portmann 2002; Isele 2007, esp. 110–114), Lucifer of Calaris draws extensively on motifs from non-Christian literature and martyr acts in his characterization of tyrants (Opelt 1972, 216–222; Tietze 1976, 181–228; Laconi 2001; Laconi 2004, 87–118, 142–182). Hilary of Poitiers, in his polemic against Constantius II as persecutor and Antichrist, draws on Lactantius’ pamphlet *De mortibus persecutorum* (Rocher 1987, 35) as well as on Lucifer of Calaris and Athanasius (Opelt 1973, 209–217); on the inversion of traditional elements of panegyric in Hilary’s text, cf. Humphries 1998.

9 Athanasius showed willingness to come to terms with Constantius II until the summer of 357 in blaming not the emperor but his bad advisers as being responsible for Constantius’ religious policy.

“Kaiserkritik” in Christian discourse are well known. This aspect therefore does not concern us here. Our interest instead lies on the potential for political integration in Constantius’ religious policy. This question is of interest not least because research on the objectives and reach of imperial action has shifted its perspective dramatically in recent years. Among fourth-century emperors, Constantius II is traditionally considered an inveterate defender of a markedly dirigiste religious policy; he is said to have inherited the groundwork toward the creation of a “Reichskirche” with a uniform creed laid out by his father Constantine, and to have carried it toward its logical conclusion.¹⁰ This approach usually sets the ecclesiastical structures created by Constantine and developed by his successors into a larger context of late-antique state-building.¹¹ Some scholars stress the non-material, ideological impact of imperial church policy in arguing that Christianity after Constantine constituted “the meta-physical foundation of the unity and inner stability of the empire.”¹² More pragmatic approaches emphasize how Christian communities and their leaders supported the state in the context of its social agenda, for instance, by caring for the poor.¹³ Both interpretations, however, broadly concur in that they regard the efforts of the emperors to create the structures of an imperial church and the efforts to base that church on a uniform creed as the first steps toward the utilization of the church as an essential institutional ingredient in the formation of the late-antique state.

More recent research on the nature of the late-antique Roman state has a rather different emphasis: it underlines a strong continuity between the actions of late-antique rulers and those of the early and high empire. Instead

Only in his *historia Arianorum*, written toward the end of 357, did he take the radical step of contesting the right of a non-orthodox emperor to rule (cf. Barnard 1974; similarly Piepenbrink 2004; on the date of the *historia Arianorum* [late 357] cf. most recently Portmann 2006, 35). Lucifer of Calaris also began to produce pamphlets only after his banishment in 355 (Laconi 2004, 119). On the historical context of Hilary of Poitiers’ invective against Constantius, see *supra* n. 2. The beginnings of a positive assessment of Constantius in the non-Homoean tradition emerged only after his death, shaped by the contrast with his successor Julian (Brennecke 1988, 84–85). The church historians of the fifth century returned to markedly harsher polemic against Constantius II (Leppin 1996, 60–71; Gotter 2008b, 52–54).

10 Brennecke 1983, 37–38; Brennecke 1988, 5–6. On the continuation of Constantine’s policy by Constantius, cf. also Barceló 2004, 169; Demandt 2007, 112, 531, and *infra* n. 16. Fundamental for the late-antique *Reichskirche*, Schwartz 1936, 74–75, 79 (with Meier 2011); among recent studies, cf. Brennecke 1988, esp. 5–6, 53–56; Barceló 2004, 14, 169; Demandt 2007, 524–547. For the entrenchment of the concept in nineteenth-century scholarship, cf. the critical remarks of Barnes 1993, 168–175; see also Kötter 2014 for a recent attempt to detach the term from its problematic historical connotations.

11 On the essential role of the church in the formation of the late-antique state, cf. most recently (from a comparative perspective) the overview by Eich/Schmidt-Hofner/Wieland 2011, 13.

12 Vittinghoff 1989, 19; similarly Baus 1973, 82; Barceló 2004, 64; Demandt 2007, 547.

13 Cf., e.g., Drake 2000, 315–352; Brown 2002, 26–44; Errington 2006, 216.

of traditional notions of an ever-more invasive state in the form of standardizing, comprehensive, and dirigiste intervention by the central administration in the lives of the inhabitants of the empire, it is increasingly stressed that also the actions of the late-antique emperors were determined by the principle of “petition and response”; the emperors thus continued to react predominantly to individual situations and local inquiries “from below.”¹⁴ Over the course of this reevaluation of legislative practice, the traditional interpretation of imperial religious policy, once considered one of cornerstones of the late-antique state in terms of an empire-wide, dirigiste penetration of imperial policy “from above,” has now come under scrutiny. Scholars increasingly emphasize that the programmatic efforts of emperors of the fourth century toward an empire-wide religious policy should by no means be exaggerated. This picture has been revised in recent years above all with respect to Theodosius I, who has been shown to have formulated his religious policy with nuanced methods in response to local conditions.¹⁵

It is striking that the revisionist approaches of the current discussion of the late-antique state and imperial rule have scarcely touched our picture of Constantius II. With regard to this emperor, a conventional assessment still prevails, based mainly on two presuppositions: continuing his father’s policy, Constantius had shown a marked interest in establishing a theologically unified imperial church based on an empire-wide creed; and this religious policy, if consistently pursued, would have possessed great potential for integration, since it was a proven means of promoting the religious and political unity of the empire.¹⁶

In this chapter, this traditional approach is put under scrutiny. I ask to what extent Constantius II really attempted to promote church unity by establishing a creed, with what structural success this instrument of religio-political

14 Fundamental for the model of “petition and response” in reference to the emperor in the early and high empire, Millar 1992. On the applicability of the model to the later Roman empire, cf. Millar 2006, esp. 7–13, 34–35; Wiemer 2006; Errington 2006, esp. 7–10; Cooper 2011. An instructive development of the approach is offered by Schmidt-Hofner 2008a, 11–35.

15 Cf. Errington 1997, 33–66; Errington 2006, 212–233, who convincingly interprets the beginnings of Theodosian religious policy as an effort to fill episcopal sees with adherents of Nicene orthodoxy by means of nuanced strategies adapted to each situation. This reading of later Roman church policy, emphasizing the case-by-case character of imperial decisions, is not confined to Theodosius: overall, it is stressed that the central administration did not proceed in dirigiste fashion, but responded to specific problems and negotiated local solutions for them (Hahn 2004, 285–291).

16 For example, cf. Errington 2006, 6: “Constantius II, following in the steps of his father, Constantine, had aimed to create a single official church in order to give the empire the moral and institutional support he thought it needed”; see also Errington 2006, 171–172, 213, and *supra* n. 10. On the integrative potential of the emperors’ efforts to promote an empire-wide creed, postulated by modern scholars, see *infra* n. 52.

integration met, and how the imperial religious policy of the fourth century relates generally to the overarching paradigm of the “reactive emperor.” For this purpose, the first, shorter, part of this chapter recapitulates the evolution of the religious policy pursued by Constantius, considering to what extent one may identify efforts on the part of the emperor to bring about the formulation of and enforce a universal creed. Next I examine more closely the structural consequences of the promotion of creeds by emperors since Constantine, asking to what extent empire-wide creeds were suitable means of achieving broad religious unity and of promoting institutional processes of political integration through the establishment of an imperial church. Last, I consider how these findings relate to current discussions of the nature of imperial rule and the late-antique state and illustrate the structural limitations that arise from a one-sided focus on the emperor as a historical agent.

TOWARD A UNIVERSAL CREED?

Until the mid-350s, the religious policy of Constantius was characterized by efforts to isolate individual church leaders—especially Athanasius of Alexandria and Paul of Constantinople—and thereby to influence how episcopal sees in important cities were occupied.¹⁷ Efforts toward a unified creed, in contrast, clearly took a back seat. Up until the reunification of the empire after the civil war against Magnentius (351–353), Constantius II had not shown any interest in harmonizing the numerous religious formulae that circulated in his part of the empire. The great Council of Serdica (343), which was supposed to resolve matters not only of ecclesiastical personnel but also of doctrine,¹⁸ had not been prompted by Constantius but imposed by his brother Constans, who seized upon empire-wide religious standardization as a means of putting Constantius under political pressure. Even after suppressing Magnentius and obtaining sole rule over the Roman empire, Constantius still did not push for the formulation and implementation of a universal creed: the Councils of Arles (353) and Milan (355), in his view, were primarily directed against Athanasius and served only to achieve the goal of dissolving the communion

17 For an assessment of Constantius’ religious policy up to the Synod of Milan (355) and the exile of Hilary of Poitiers (356), cf. Diefenbach 2012, 70–78. Brennecke 1984 also holds the view that Constantius’ initiatives in this phase responded to Athanasius, not to doctrinal questions, although his opinion that the emperor’s accusations were based on political charges against the bishop, is not convincing. Paul of Constantinople was removed from his see several times at the instigation of the emperor (Barnes 1993, 212–217). Constantius also showed marked personal interest in the attitude of the Roman bishop Liberius in the *causa Athanasii* immediately after the Synod of Milan (Theod. *Hist. eccl.* 2.16, whose report may be considered essentially accurate).

18 Hil. *Coll. antiar.* B 2.2.3 (CSEL 65, 128) = *Dok.* 43.5.3.

of western bishops with Alexandria's bishop, who had already been deposed by an Antiochene council in 352.¹⁹

The so-called Second Sirmian Formula from late summer or autumn 357 is normally identified as Constantius' first attempt to create a uniform creed for the empire—a policy that would culminate in the formulation of the Homoean Creed in Constantinople, late in 359.²⁰ This interpretation, however, is unconvincing for various reasons. After the Council of Milan, it was the eastern bishops, not the emperor, who predicated the recall of the bishops exiled in 355 on signing a formula of faith.²¹ Even in the Second Sirmian Formula, a decidedly *imperial* interest is far less obvious than most treatments suggest.²² It must be remembered, above all, that the Second Sirmian Formula was not a conciliar creed but merely a brief theological manifesto,²³ the contents of which were intended for bishops in the West;²⁴ for that reason alone it could not serve as the basis of a universal creed. It cannot be interpreted as an instrument of, or even the initial step toward, an imperial religious policy in conscious imitation

19 The sources are unanimous that the Councils of Arles and Milan were specifically directed against Athanasius: cf. Liberius *Ep. ad Eus.* = *Eus. Verc.* app. 2 B 1 (CC 9, 121); Hil. *Coll. antiar.* B 1.4.2 (CSEL 65, 101) with Brennecke 1984, 188–189, and Athan. *Hist. Arian.* 44.1 (Ossius of Cordoba). Sulp. Sev. *Chron.* 2.39.1 explicitly mentions an imperial edict against Athanasius. Although the bishops in Arles and Milan also signed a creed (fundamental, Girardet 1974, 64–83), nothing suggests that Constantius II intended to impose this creed. The driving force behind this effort must have been the bishops Valens of Mursa and Ursacius of Singidunum, who successfully prevented Athanasius' case from being treated separately from doctrinal questions, as Athanasius' supporters had demanded, and stifled a discussion of questions of faith (Hil. *App. ad coll. antiar.* 2.3[8].2–3 [CSEL 65, 187] and Sulp. Sev. *Chron.* 2.39.2–3, with Diefenbach 2012, 74–76); on their motives, see also *infra* n. 26. For Athanasius' deposition in 352, cf. Brennecke 1984, 118–122, 156–157.

20 So inter al. Brennecke 1984, 312–315; Pietri 1989, 165–166; Just 2003, 168, 193; Barceló 2004, 148–149; Karmann 2009, 37–40.

21 Although soon after his exile Liberius of Rome agreed to break with Athanasius, as the emperor demanded, the eastern bishops opposed his restoration and demanded that he sign a formula of faith (cf. both of Liberius' letters from exile, which were addressed to the *coepiscopi orientales*: Hil. *Coll. antiar.* B 3.1 and 7.8 [CSEL 65, 155, and 168–170]).

22 It is by no means certain that the emperor was present in Sirmium when the Second Sirmian Formula was drafted (thus already Gwatkin 1900, 161; cf. also Portmann 2006, 244, n. 295). Most scholars nonetheless treat Constantius' presence as if it were self-evident and assume that the Second Sirmian Formula corresponded to his religious convictions (e.g., Klein 1977, 63; Brennecke 1984, 315–316).

23 Most recently Barnes 1993, 138–139, stresses that the Second Sirmian Formula was not a formal conciliar creed; similarly Williams 1996, 343. The gathering of bishops that formulated the Second Sirmian Formula cannot be characterized as a council: there were only a small number of participants, allegedly only five—alongside Ossius of Corduba the gathering included Potamius of Lisbon, Ursacius of Singidunum, Valens of Mursa, and Eudoxius of Germanicia, later bishop of Antioch (Barnes 1993, 231–232).

24 For a characterization of its content—“von Abendländern für Abendländer verfasst”—cf. Brennecke 1984, 316–322. Reactions to the Second Sirmian Formula are also preserved only from the western part of the Roman empire (Brennecke 1984, 336).

of Constantine's Nicene Creed: its strategic purpose was not to promulgate or prepare an authoritative creed for the entire church throughout the empire²⁵ but rather to rehabilitate the bishops decisively involved in the formulation of the Second Sirmian Formula and to win acceptance for their theology among their western colleagues.²⁶

It is not before the double Council of Rimini and Seleucia, which began in summer 359, that we find the first evidence of a clear desire on the part of the emperor to achieve universal consensus on a creed. But even here the background and the emperor's goals require closer consideration.²⁷ The starting point must be the installment of Eudoxius of Germanicia in the see of Antioch toward the end of 357 or beginning of 358, which occurred without the involvement of the bishops of Syria and accordingly was met with protests. Basil of Ancyra became their spokesman and in spring 358 led a delegation to the emperor's court in Sirmium. Their objections were directed not only against Eudoxius, but primarily against the Anhomoean theology of Aetius, whom Eudoxius had admitted to the Antiochene clergy.²⁸ Constantius, however, was not prepared to permit doctrinal differences to lead to a comprehensive reorganization of the religio-political landscape of the East, as Basil apparently had planned.²⁹ The doctrinal differences were to be settled in a debate among a small number of participants;³⁰ a council

25 The character of the Second Sirmian Formula as a formula of compromise or settlement, which is commonly attributed to it in patristic scholarship (with varying theological and doctrinal emphasis in Brennecke 1984, 316–322; Löhr 1986, 48–50; Ulrich 1994, 163; Karmann 2009, 40), is debatable. It rests above all on the lack of anathemas and a homoioetic structure, which gives the text, as is broadly accepted, not the character of a creed but of a theological manifesto. An assessment of the Second Sirmian Formula as a basic theological manifesto and compromising formula in the interest of doctrinal reconciliation is nonetheless problematic: despite the lack of the formal elements of a creed, the Second Sirmian Formula must be located in a dynamic and apoietic process of reciprocally formulated creeds in the same way as personal and conciliar formulae of faith (*infra* n. 60). Measures such as the prohibition of use of the concept οὐσία/*substantia* by the Second Sirmian Formula should accordingly be understood as directed specifically against the Nicene Creed (thus also Barnes 2006, 279; contra Brennecke 1984, 318).

26 This is true particularly of Valens of Mursa and Ursacius of Singidunum, who had suffered severe setbacks in the previous years (cf. Hil. *Coll. antiar.* B 2.6 and 8 with Brennecke 1984, 62–63).

27 A detailed justification for this view against the *communis opinio* would exceed the limits of this chapter; see Diefenbach 2012, 83–88, for details of the argument.

28 Aetius had already been appointed deacon in Antioch under Eudoxius' predecessor Leontius, but had been dismissed on account of theological differences; after a lengthy stay in Alexandria, Aetius was again admitted to the clergy of Antioch by Eudoxius (on the career of Aetius in this period in detail, see Kopecek 1979, vol. 1, 95–153).

29 That Basil traveled to Sirmium intending to secure the replacement of bishops not only in Antioch but also in other regions of the east emerges from the text of a council over which he presided immediately before the delegation to the court: alongside Antioch, Alexandria, Lydia, Asia, and Illyria are explicitly cited as regions "affected" by Aetius' doctrine (Epiph. *Haer.* 73.2.5, 7).

30 This meeting is normally called the "Third Sirmian Synod" in the scholarly literature and considered the first step toward the formulation of a universal creed (e.g., Löhr 1986, 78, 93; Löhr 1993,

convened in Nicomedia would be confined to rule on the occupancy of the see of Antioch and clarify the religio-political situation of this important metropolis of the diocese Oriens.³¹

Matters would take a rather different course from what Constantius had intended. An earthquake at the end of August 358 destroyed Nicomedia and caused the council to be canceled;³² Basil seized the opportunity of the disarray in the aftermath to depose and exile more than seventy clergymen in several provinces—ostensibly in direct collaboration with Roman authorities and without the direct involvement of the emperor.³³ It seems that the emperor's policy struck out in a new direction only in reaction to these circumstances: the council that had been called off after the earthquake was now to take place in Nicaea; in addition to the original agenda, it now was supposed to find a fundamental solution to the problem of the creed.³⁴ It is certainly right to assume that Constantius, not Basil of Ancyra, was the driving force behind this development.³⁵ After Basil's banishments, the emperor seized the helm and attempted

84–85). Against this view, Barnes 1993, 232, and Barnes 2006, 281, has plausibly demonstrated that the gathering was not a council but an informal meeting intended to settle internal questions of influence and authority; it did not lay the groundwork for a universal creed.

31 On the significance of Antioch as an eastern metropolis, cf. in general Hahn 2004, 121–129. On the agenda of the planned council, which was limited to affairs in Antioch, cf. Diefenbach 2012, 85–86.

32 The earthquake occurred on August 28, 358 (*Socr. Hist. eccl.* 2.39.3; *Jer. Chron.* 241); on the consequences for the planned council, cf. *Sozom. Hist. eccl.* 4.3–11, 14.

33 Philost. *Hist. eccl.* 4.8. Philostorgius mentions only members of the Antiochene clergy (Eunomius, Aetius, Eudoxius), but—as emerges from the record of the Council of Constantinople, which condemned Basil in early 360 for his conduct—Euphratensis, Cilicia, Galatia, and Asia were also affected by banishments along with the clergy of Antioch (*Sozom. Hist. eccl.* 4.24.4). On the formal basis and contemporary context of the banishments orchestrated by Basil, cf. Barnes 1996, 552–553, who makes the attractive conjecture that Basil had taken advantage of the chaos after the earthquake.

34 This is suggested by the remark of *Sozom. Hist. eccl.* 4.16.15 that Basil had advised the emperor “to settle the controversy over the faith where the discussion had begun,” namely, in Nicaea. *Sozomen* (or *Sabinus* of Heraclea, who was used by him) refers here to a letter from Basil to Constantius, from which the rationale given by *Sozomen* was apparently taken.

35 Brennecke 1988, 9–10, however, assumes that Basil exercised a decisive influence on the emperor during this phase. *Sozom. hist. eccl.* 4.16.14–15 indeed gives this impression, but this may well be due to the conspicuously pro-Basil tendency of the narrative (with *Sabinus* of Heraclea as the potential source). It is striking that Basil originally had protested against Nicaea as the meeting place for the council about Eudoxius and the Antiochene clergy in the late summer of the year before (*Sozom. Hist. eccl.* 4.16.2). His profound change of heart concerning the place and agenda of the newly arranged council can be explained best if we assume that this plan was not Basil's doing. This is also suggested by Philost. *Hist. eccl.* 4.10, where it is alleged that Constantius had planned to hold this imperial council because he was irritated by Basil's banishments. Basil must have lost his influence at the latest in May 359, when he had to make significant concessions in the formulation of the Fourth Sirmian Formula (dated May 22), which provided the basis for the Councils of Rimini and Seleucia. The balance of power from then on shifted over the course of the year ever more in favor of the Homoeans around Eudoxius and Acacius of Caesarea (overview in Brennecke 1988, 5–56).

to find a way out of this religio-political dead end by way of an authoritative ruling on a creed. Constantius set off on this change of course consistently from early 359 and pursued it energetically: by simultaneously convening part of the council in the East and part in the West, he attempted to guarantee that its resolutions would be universally accepted,³⁶ he gave the participants at Rimini the express task of deliberating over the *fides* and the unity of the church,³⁷ and the emperor bet everything on producing a creed by the turn of the year 359–360, the so-called imperial Creed of Constantinople, that would put an end to all theological debate.³⁸

But after the double Council of Seleucia and Rimini, it was—again—primarily the victorious bishops, not the emperor, who were interested in imposing this creed universally. It was not the imperial administration but rather the Homoean bishops—around Acacius of Caesarea, the decisive influence on church policy since the end of 359—who saw to it that an imperial edict was promulgated throughout the empire; this edict punished with exile any bishop who refused to sign the Creed of Constantinople.³⁹ Constantius became involved personally only in the episcopal see of Constantinople, which was rapidly being developed into the capital of the East precisely in Constantius’

36 The planned division was presumably designed by the emperor: Brennecke 1988, 10, and Löhr 1986, 96, are probably right to reject the argument that Eudoxius and the bishops near Constantius (Ursacius of Singidunum, Valens of Mursa, Germinius of Sirmium) had forced him to convene a double council (thus Barnes 1993, 140–141, citing Sozom. *Hist. eccl.* 4.16.21–17.1).

37 Cf. the emperor’s letter to the participants of the Council of Rimini: *de fide atque unitate tractari debere cognoscat sinceritas vestra* (Hil. *Coll. antiar.* A VIII 1, 2 [CSEL 65, 94]).

38 The emperor put the delegates of the two separate councils assembled in Constantinople in December 359 under significant pressure to produce a result by the end of the year and could thus symbolically open the new year with an agreement on the faith (Sozom. *Hist. eccl.* 4.23.8 with Löhr 1986, 154–155). The formula signed by the delegates of both councils on December 31, 359, corresponded in its essentials to the formula of Nike/Rimini, which had been signed by the bishops in Rimini in November/December—but with slight yet significant additions: inter alia, the Creed of Constantinople concluded with a blanket anathematization of “all heresies that should in the future arise against this written text” (Athan. *Synod.* 30; Socr. *Hist. eccl.* 2.41.8–16 depends on it; cf. Sozom. *Hist. eccl.* 4.24.1). This anticipatory clause was unusual, since anathemas normally chastised only existing “heresies,” and councils served primarily to defend against departures from the orthodoxy (*infra* n. 63). Thus in the Creed of Constantinople a normative authority was asserted that the decree of a council, in current thought, did not possess: the effort to formulate a binding and immutable universal formula by this unusual regulation is unmistakable.

39 Sozom. *Hist. eccl.* 4.26.2. The Acacians initially enjoyed only limited success in ecclesiastical politics, since the Homoiousians around Basil of Ancyra and Eustathius of Sebaste also signed the Creed of Constantinople and could not be attacked through the imperial edict. The Acacians therefore convened a council in Constantinople in January 360, where they accused many of their opponents of civil, criminal, and disciplinary offenses and secured their deposition and exile (cf. Sozom. *Hist. eccl.* 4.24–25; Socr. *Hist. eccl.* 2.42). Nearly twenty episcopal sees were affected; for a reconstruction in detail, see Gummerus 1900, 152–158; Brennecke 1988, 57–66. Klein 1977, 96, and Brennecke 1988, 67, stress that the emperor did not take the lead but gave the bishops the initiative.

final years,⁴⁰ and above all in Antioch, where the religious controversy had begun in 358. The installation of a new Antiochene bishop, Meletius of Sebaste, was a matter of primary importance for the emperor:⁴¹ personally taking up residence in Antioch, Constantius convened a council there in the winter of 360–361 the sole purpose of which was probably to appoint a new bishop for the city.⁴² Indeed, for obscure reasons Constantius found himself compelled to remove Meletius from office after just one month, but this only confirms the special effort and engagement that Constantius invested in Antioch.⁴³ Only the sees in the capitals Antioch and Constantinople were so important that Constantius himself intervened in the course of events; he otherwise left the ecclesiastical “mopping up” after the Council of Constantinople to the Homoean bishops.

Constantius’ efforts toward a uniform imperial creed thus did not, as is commonly held, dominate his religious policy; on the contrary, his determination to establish a creed emerged—and then with significant reservations—only toward the end of his reign. Instead, Constantius followed the principle of isolating individual church leaders and influencing the occupancy of the episcopal sees in important cities. Even in the context of the double Council of Seleucia and Rimini, Constantius contented himself with manipulating the succession to the sees of Constantinople and especially Antioch. He was not programmatically following the example of his father Constantine when he contributed so energetically to the formulation of a universal creed by convening the double council and urging the Creed of Constantinople. It was rather in reaction to the extensive ecclesiastical controversies that had been unleashed by the activities of Basil of Ancyra. This rush forward did not implicate pretensions to a

40 Sozom. *Hist. eccl.* 4.24.3; Socr. *Hist. eccl.* 2.42.3 both emphasize Constantius’ wrath toward Macedonius and the emperor’s particular interest in his replacement. On the political significance of Constantinople during this period, cf. Isele 2010, 18–19, 76–79.

41 On the nomination and deposition of Meletius, cf. Klein 1977, 98–104; Brennecke 1988, 66–81; McCarthy Spoerl 1993; Karmann 2009, 60–74, 135–149; Hihn 2011. Brennecke 1988, 67, rightly stresses the personal interest of the emperor in determining how the episcopal see of Antioch was filled.

42 The central source (Theod. *Hist. eccl.* 2.31.1–2) represents it differently: the emperor will have wanted to reach a doctrinal decision—to discard the terms ὁμοούσιος and ἑτεροούσιος—through the participants of the council, but the latter intimated that a bishop should be appointed in Antioch before they could discuss these questions with him. It seems highly unlikely that Constantius wanted to reignite a discussion of doctrine so recently after agreeing on the formula of Constantinople (cf. also Brennecke 1988, 68 with n. 61; Hihn 2011, 367–368).

43 Thus also Brennecke 1988, 74. Differently, Hihn 2011, 370–373, who would attribute the decision to depose Meletius to the influence of Homoean church leaders. Hihn is right in stressing that Meletius’ new appointments in the Antiochene clergy, which resulted in unrest, were apparently decisive in the swift removal of the newly appointed bishop. Nevertheless, in this precarious situation it is likely that the emperor himself, who was present in Antioch, took action on his own initiative in the interest of keeping order—he did not need any Homoean “theological advisers” for that.

dirigiste church policy: the emperor apparently did not impose the Homoean formula generally by force. As in 358, the interest in the depositions in 360 came from the initiative of the bishops, not the emperor.

This is not to argue that the religious policy of Constantius should be radically revised in tandem with recent discussion of the late-antique emperor's style of rule. That Constantius II contented himself generally with isolated interventions is not grounds for stressing the reactive or case-by-case nature of imperial rule, denying him a wide-ranging, systematic interest in directing religious affairs. This interest is especially clear in his actions against Athanasius, which even after the end of civil war in 353 were not politically motivated but were consistent with the traditional accusations made against him since the Council of Tyre in 335:⁴⁴ the emperor sought to remove Athanasius primarily as the decisive obstacle that had been at the center of ecclesiastical strife for decades. Constantius' action against Athanasius and other individual bishops thus is not indicative of a situational imperial response but of a proactive, dirigiste religious policy, the programmatic character of which cannot be denied. As in the case of Theodosius I, who took local and regional conditions into account in legislation that nonetheless shows the personal initiative⁴⁵ and overarching agenda⁴⁶ of the emperor, so also the goals and methods of Constantius' religious policy must be judged separately: his concentration on filling individual episcopal sees is not indicative of the lack of a program but of the method that Constantius followed to maintain ecclesiastical unity. His father Constantine's innovation of promoting unity by devising conciliar formulae was for Constantius II far less important than suggested by the picture that dominates the sources and secondary literature—of an emperor

44 Differently Brennecke 1984, who presumes that the charges of the emperor against Athanasius were of a political nature and relates Constantius' actions against him to comparable measures against the supporters of Magnentius (similarly, Just 2003, 175–176; Barceló 2004, 116). This opinion is not convincing: the Councils of Arles and Milan give no indication that Athanasius was condemned for high treason. In a letter written by the Council of Milan, Athanasius was accused as *sacrilegus* (Euseb. *Verc. app.* 2 A 1.2 [CC 9, 119]), which in the context of this ecclesiastical document is probably not to be interpreted as a political charge but as an offense against sacred objects or places (for the traditional meaning of *sacrilegium* in this context, cf. also Diefenbach 2012, 74, n. 42). The accusations against Athanasius in Arles and Milan therefore took the same line as those made already since the Council of Tyre in 335 (including, inter alia, the breaking of a chalice and the overturning of an altar during divine service).

45 Cf. Errington 2006, 218, on the famous edict *cunctos populos* (*Cod. Theod.* 16.1.2), which decided the religious situation in Constantinople in favor of the supporters of the Nicene orthodoxy (“an imperial initiative . . . there is no suggestion that the initial impetus came from Constantinople itself”); similarly Errington 1997, 37.

46 Cf. the nuanced assessment of Errington 1997, 47: “the means might be regionally or locally different, but the overall aim (sc. ‘establishing Nicene orthodoxy’) remained unchanged.”

concerned, even personally, about finding the right faith and a universal creed for the church.

TOWARD AN IMPERIAL CHURCH?

The ambiguity of a program of both political and religious unity, as promoted by the emperors since the Council of Nicaea, is a familiar subject of historical and patristic research. The political gains in terms of ideological and pragmatic unity through Christian monotheism and church structures have long been contrasted with the great potential for disintegration that a publicly promoted religious and doctrinal policy implied.⁴⁷ The participation of public officials in ecclesiastical conflicts handed the parties involved unprecedented power and means of enforcement.⁴⁸ The involvement of the state in violent religious conflicts required an orthodox emperor and enhanced expectations of imperial enforcement of orthodoxy that could come into conflict with the traditional political maxim of suppressing all internal violence under Roman rule.⁴⁹

Whether the integrative or disintegrative consequences of imperial religious policy should be given greater weight is normally reduced to the question of the efficacy of the imperial administration. On the one hand, maintenance of internal stability would have depended on the success of the emperor in controlling local elites—bishops and representatives of the administration—and thereby preventing religious conflicts from escalating.⁵⁰ On the other, the emperor would have had to be able to push an effective religious policy by establishing as a universal creed a formula that was acceptable to a broad consensus of bishops and, with support of his administration, helping that formula prevail over alternatives. Under these conditions, the odds that imperial policy would succeed were high, in principle. Precisely with respect to Constantius II, many scholars presume that a universal creed, such as formulated at the double Council of Rimini and Seleucia and immediately thereafter at the Council of Constantinople, was a sound means of settling the ecclesiastical conflicts that had raged since the 320s:⁵¹ the “method” followed by Constantius, namely, the

47 Pointedly Leppin 2010, 239–240.

48 Lietzmann 1938, 113; Pietri 1989, esp. 171–172; Hahn 2004, 285; Gaddis 2009, 512.

49 Cf. Gotter 2011.

50 On this aspect, cf. Hahn 2004, 285–291, who emphasizes the origin of religious unrest in local conflict constellations and considers the autonomous actions of individual officials not controlled by the central administration as an essential reason for the unchecked escalation of conflicts.

51 Errington 2006, 176.

promotion of church unity by means of a universal creed, is generally viewed favorably.⁵²

There is good reason to argue that both interpretations fall short for structural reasons. The suppression of violence by state power could succeed only if the enforcement of superior power was considered by those affected as a manifest expression of legitimate rule and accepted as such; in this respect, the Christian perception of public power departed dramatically from the political grammar on which Rome had successfully founded its imperial order for centuries.⁵³ Also, as far as the imperial policy toward religious formulae is concerned—a question of primary interest for my present study—there are serious reservations that cast fundamental doubt on the integrative potential of universal creeds for the ecclesiastical (and political) unity of the empire. In what follows, I argue that, beyond difficulties of enforcement and vagaries of content, conciliar creeds in the fourth century were also structurally unsound means of ending religious polarities and introducing unifying processes within the church. With respect to this last point they were even dysfunctional—not only unsuitable to promote unity, but indeed extraordinarily effective at polarizing dissent.

This impression is confirmed by recent research on creeds that challenges the long-established view that conciliar declarations of faith developed from local baptismal confessions.⁵⁴ It may now be considered generally accepted that the formulation of conciliar creeds that began with the councils of Antioch and Nicaea (325) did not derive from corresponding baptismal liturgy or catechism, but on the contrary gave impulse to the development of declaratory creeds in the context of the baptismal liturgy. Declaratory creeds, as ecclesiastical councils

52 Concisely put by Brennecke 1988, 5–6, 83–84: “der grundsätzliche Irrtum dieser Kirchenpolitik lag weniger in den Methoden ihrer Durchsetzung—da unterscheidet sich Constantius kaum von seinem Vater Konstantin oder auch von dem in der Tradition viel positiver beurteilten rechthgläubigen Theodosius. . . . Konstantius’ Irrtum liegt in der von ihm protegierten, seinem persönlichen Glauben und seiner Frömmigkeit entsprechenden Theologie dieser Reichskirche und war daher unvermeidbar”; cf. also Brennecke 1984, 316. Similarly already Gummerus 1900, 184–185; Lietzmann 1938, 231–232.

53 In particular, the cultural model of the martyr, which took shape during the empire, embodied a concept of Christian identity that manifested itself as a challenge to the social and political order. In contrast to the philosopher, who denounced occasional excesses of power as a topical victim of arbitrary tyranny yet indirectly confirmed monarchical rule, the model of the martyr was not principally affirmative (on the martyr as “enemy of the Roman order” *par excellence*, cf. Diefenbach 2000, 112–126). The questioning of power-relations as a legitimate principle of order, bound up in the model of the martyr, remained a formative element of discourse even after Constantine and stood in sharp contradiction to the logic of preserving the imperial order by demonstration of superior power (cf. Gaddis 2005, esp. 6–8; concisely on the structural implications, most recently Gotter 2011, esp. 144–153).

54 Fundamental on the following von Campenhausen 1979 (1976); Ritter 1984. Accepted with slight modifications by Kinzig/Vinzent 1999.

from the fourth century began to formulate them, in pre-Constantinian time do not appear in the fixed context of the liturgy but rather in the variable form of individual declarations, by means of which theologians and ecclesiastical writers formulated central tenets of the so-called rule of the faith (κανὼν τῆς ἀληθείας/τῆς πίστεως, *regula veritatis/fidei*) with varying emphases and in response to concrete situations and challenges.⁵⁵

Even when those who justified their position by reference to the *regula fidei* explicitly cited the faith they received at baptism,⁵⁶ these individual declarations of faith differed greatly from the questions and answers of catechumens during the baptismal liturgy. Whereas the wording of baptismal questions and answers was fixed, personal, and conciliar, declarations of faith traditionally had a much more open and flexible structure: although beholden to the idea of a uniform rule of faith valid since the days of the Apostles, these declarations of faith were not calculated to prescribe a dogmatic definition in the form of a fixed, inalterable, and formal statement of faith.⁵⁷ The different forms of the respective “confessions”⁵⁸ also correspond to different discursive contexts in which they appear. In the ritual of baptism, the catechumen was integrated into the community through an agreement based on fixed formulae: the act of confession associated with baptismal questions and rites was directed inward, toward the welcoming congregation.⁵⁹ The declarations of individual theologians and the councils of the early fourth century occupy a completely different discursive context. They did not serve primarily to include inward but rather to exclude outward by accentuating their own position on contested questions and differentiating themselves from rival views. Such individual and conciliar confessions should be placed in the context of techniques of apologetic argumentation. That they were not formally fixed was therefore also a necessary

55 On the *regula fidei* and the declarations of faith made according to it, see Hanson 1962, 75–129; von Campenhausen 1979 (1976), 288–291; Ritter 1984, 402–405.

56 Cf., e.g., the declaration of faith given by Eusebius of Caesarea at the Council of Nicaea (*Dok.* 24.3). Similarly, already Irenaeus of Lyon, *Haer.* 1.9.4. Such general reference to the faith received at baptism does not, however, justify the assumption that creeds were formulated on the model of liturgical formulae.

57 Hanson 1962, 124, succinctly illustrates the difference.

58 With respect to the language of the sources, it seems more appropriate to describe theological and conciliar confessions of faith as “expositions” or “declarations of faith” (ἐκθέσεις τῆς πίστεως viz. *expositio fidei*) (Ritter 1984, 409; cf. also Schneemelcher 1991 [1977], 118–120; Brennecke 1984, 5). On the wide range of terms encountered in the sources for the Nicene Creed, cf. Sieben 1979, 216–217.

59 One should see the original purpose of confession at baptism as an *act* of confessing, including an elementary confession of Christ, the contents of which were not spelled out in detail by a baptismal formula or creed. For this interpretation and on the function of the act of confessing, which was primarily directed inward, not outward in order to emphasize differences, see Ritter 1984, 400–401; Wengst 1984, 398.

consequence of their function: confessions or declarations of faith were part of a dynamic process of dialogue that significantly influenced their content, and their peculiar emphases can largely be explained by the fact that they responded to one another.⁶⁰

Beginning with the Councils of Antioch and Nicaea, Constantine's policy of holding leaders of Christian communities to conciliar declarations of faith accordingly does not merely stand for an imperial attempt to create a uniform doctrine for all bishops and churches of the empire irrespective of local traditions.⁶¹ What was really new was far more fundamental: it touched the very formulation of conciliar creeds as positive definitions of orthodoxy.⁶² Constantine confronted the bishops with a practice that up to that time had been completely foreign. Conciliar decisions in doctrinal questions traditionally did not attempt to establish positive formulae of faith: when questions of faith required clarification with reference to the *regula fidei*, the councils reacted to correct divergences from the rule of faith but did not have further-reaching, normative pretensions to doctrine. Put differently, the doctrinal task of councils in traditional ecclesiastical thought consisted of the defense against heresies, not, however, the definition of positive tenets of belief.⁶³ Conversely, it follows that individual bishops—wholly in the sense of apostolic succession—could claim to pass on the traditional rule of the faith⁶⁴ without, however, being held to a positive formulation of norms: the formulaic, interrogative baptismal confessions within local communities did not function traditionally as “tests of orthodoxy,” as the emperors from Constantine onward intended conciliar formulae to do.⁶⁵

60 Kinzig/Vinzent 1999, 553, pointedly write on theological and conciliar creeds after 325: “the texts . . . can only be properly understood when they are read as reciprocal challenges and responses.” On the “antilogical” nature of theological and conciliar creeds, see Vinzent 1999, 235–240; Vinzent 1999, 240–382, demonstrates in detail that individual declarations of faith refer to previous *ektheses*.

61 That this was Constantine's goal already in autumn of 324 is proved by his letter to Arius and Alexander of Alexandria: Constantine sees the unity of doctrine as the precondition of general harmony, which should not only lead to a settlement between the two adversaries but should also be understood programmatically as universal (*Dok.* 19). The creed formulated at the Council of Antioch immediately before the Council of Nicaea probably was the result of Constantine's initiative (on this interpretation, cf. Diefenbach 2012, 100 n. 123).

62 In the essentials already rightly seen by Schwartz 1936, 128, 133.

63 Also with respect to Nicaea, Athanasius did not emphasize the positive definition of a normative faith but the anathematization of Arius (Sieben 1979, 38). On the longevity of this “corrective” understanding of conciliar acts in the later fourth century, cf. Sieben 1979, 201–207.

64 On *paradosis* as the basis of the *regula fidei* in pre-Constantinian time, cf. Hanson 1962, 94–102.

65 For this characterization of the new kind of conciliar declarations of faith after Constantine, cf. Kelly 1972, 205.

This starting point produced structural weak points and potential conflicts on several levels simultaneously.

1. If Constantine intended the Nicene Creed to be a uniform and normative creed for the entire church, he approached conciliar declarations of faith with an understanding that a great many bishops did not share.⁶⁶ Constantine's attempt to fix a formula of faith proved to be in vain: the process of drafting conciliar creeds did not merely continue after Nicaea but underwent a veritable explosion.⁶⁷ The reason is not to be found, as is common in patristic scholarship, simply in the deficient theological quality of the creeds and their failure to provide a basis for a sound doctrinal settlement between opposing theological positions.⁶⁸ Rather, there was no reason in ecclesiastical thought to attribute to conciliar creeds, such as that of Nicaea, a generally binding doctrinal character. The numerous conciliar and theological creeds that were formulated after Nicaea illustrate the progress of a discussion that was conducted in the traditional way and in continuity with traditional conceptions of the *regula fidei*.⁶⁹ Even the strategy of the supporters of Athanasius, who vehemently defended the Nicene Creed and refused to tolerate any discrepancy from it,⁷⁰ did not make adherence to the wording of the formula of Nicaea obligatory.⁷¹ Constantius II's attempt to put an end to the formulation of creeds by making them superfluous with the so-called Creed of Constantinople⁷² was a desperate and ineffective step toward stopping this process.

2. Reliance on conciliar declarations of faith as means of creating ecclesiastical unity was not only ineffective but downright dysfunctional: creeds did not

66 On the fundamental difference between ecclesiastical and imperial perception in this regard, cf. also de Halleux 1985, 10. The assessment of Kelly 1972, 211–212, who assumes that the expectations of the emperor at Nicaea would have agreed with ecclesiastical notions of the universal authority of a creed formulated by an ecumenical council, is too optimistic (also *infra* n. 104 and 106).

67 Kelly 1972, 263, characterizes the period between 325 and 381 as an “age of synodal creeds”; cf. also Hanson 1988 on the period between 341 and 361 (“attempts at Creed-making”).

68 On this, cf. *supra* n. 52.

69 For such an assessment of the Council of Antioch, cf. Schneemelcher 1991 (1977), 118–120. Characteristic of this view is Hilary of Poitiers, who still in 359 viewed the multitude of conciliar declarations of faith as attempts to approach the truth that complemented one another and saw this process not as directed toward a positive formulation of dogma (anyway impossible to encompass with language) but as based on case-related refutations of heretical views (Hil. *Synod.* 62).

70 Ulrich 1994, 219–220, 233–234.

71 Declarations of faith that differed greatly in detail existed in the fourth and fifth centuries under the designation “Nicene”; cf. Kelly 1972, 323–325; Ritter 1984, 411; Gerber 2000, 104. Only at the Council of Ephesus in 431 was an effort made to fix the wording of the authentic *ekthesis* of Nicaea, which, however, did not prevent further differently worded creeds from being designated as the “faith of Nicaea” (Kelly 1972, 329–330).

72 *Supra* n. 38. The protection of the Creed of Constantinople against “all heresies that should in the future arise against this written text” was in fact an anticipatory ban on the formulation of any new creeds (cf. Kelly 1972, 294).

function as formulae that created unity and consensus but provoked conflict by encouraging the formation of parties within the church.⁷³ This is less to be understood in the sense that declarations of faith clarified contrary theological positions and exposed doctrinal differences. If one takes into consideration the genre and the discursive function of formulae, one arrives at a different conclusion—one that tends to reverse the relationship of cause and effect: creeds did not reveal differences; they created them.

Reference has already been made to the practice of formulating creeds before Constantine as belonging in an apologetic context: personal and conciliar declarations of faith were intended to make boundaries explicit and to develop one's own position in polemical distinction from rival opinions.⁷⁴ This corresponded to the traditional view whereby councils revealed the true faith not in positive but rather always in negative form by rejecting deviations from the norms of the faith. Only against this background can one wholly grasp the explosiveness of imperial policy since Antioch and Nicaea. Because of their discursive function, declarations of faith were structurally ill-suited for promoting consensus in terms of reaching a comprehensive agreement on the contents of faith.⁷⁵ Put bluntly, in his need to create unity the emperor resorted to a genre that was traditionally used as a weapon in disagreements. The problems that resulted from this decision were not lost on contemporaries. Thus Basil of Caesarea and Gregory of Nyssa called for a retreat from the constant production of new declarations of faith; instead, they claimed that one should concentrate on the liturgy and the truths of the faith laid down in the baptismal formulae.⁷⁶ From the point of view of the Cappadocians, the deciding point was not that openness to Greek philosophy and the speculative elaboration of doctrine were potentially inexhaustible sources of strife.⁷⁷ They above all saw

73 The existence of church parties in the Arian controversy has been questioned most recently by Gwynn 2007, who views the existence of a Eusebean party purely as a construct of Athanasius' polemic and comes to the conclusion that "the idea that 'church politics after Nicea are party politics' must be treated with caution" (Gwynn 2007, 248). There should be no doubt, however, that parties emerged—not only in questions of ecclesiastical politics but also in questions of doctrine (cf. *infra* n. 80).

74 *Supra* n. 60.

75 Concentrating exclusively on the content while ignoring the context accordingly gives only a very limited picture of the allegedly consensual nature of creeds; cf., e.g., *supra* n. 25 on the Second Sirmian Formula.

76 Basil. *Spir. sanct.* 10.26.113a–c and 12.28.117; on baptism and faith, see also Basil. *Ep.* 188.1; Greg. Nyss. *C. Eun.* 3.54–60. On this topic see the important study by Hanson 1975, esp. 182–183.

77 Criticism was, of course, also voiced against the unlimited possibilities of debating doctrine with the traditional methods of philosophical dialectic; critics demanded a return to the traditional practice of employing creeds exclusively to defend against heresies (Hanson 1975, 174–175). The chief problem was not, however, the unimpeded multiplication of dogmatic views as such but the discursive instruments with the help of which these were spread; on this, see the following.

recourse to creeds and formulae of faith, through which new doctrinal definitions were brought about, as problematic.⁷⁸ Behind the reference to the tradition enshrined in baptismal formulae lies an attempt to rob declarations of faith and the related creation of creeds of their explosive force as instruments of differentiation and controversy and to limit forms of confessional discourse to the interior of local Christian communities.⁷⁹ What Constantine had envisaged as an instrument of empire-wide ecclesiastical unity-building could fulfill this function only on the local level of an individual church led by a single bishop.

The observation that doctrinal polarities in matters of faith cannot be explained exclusively by the content of the arguments, but rather that these were affected to a great extent by the discursive instrument of creeds, is not to claim that questions of belief played a secondary part in the Trinitarian controversies. It is advisable here to take an intermediary position. Certainly, no one would deny that the controversies that erupted under Constantine and Constantius II were stoked to a considerable extent by personal conflict and rivalries within the church.⁸⁰ It would be shortsighted, though, to attribute controversy and conflict solely to the new conditions of a “political church,” whose leaders’ contention for honor and influence came to resemble the rules of conduct of the political culture of the time.⁸¹ Rather, one can detect here the weight of tradition: although the Council of Nicaea had confirmed the assimilation of the church organization to the political structure of the empire,⁸² the church of the fourth century was not an Imperial Church, but a bishops’

78 Concisely discussed by Hanson 1975, 183.

79 On the difference between the formulation of creeds within the baptismal liturgy and individual and conciliar declarations of faith, *supra* n. 54. The Cappadocians’ postulate should, in other words, be interpreted primarily as a rejection of discursive strategies, not of the substance of the doctrinal discussion, to which they incidentally also made a significant contribution, as is well known. Lim 1995, 109–181, has a somewhat different emphasis: he relates the position of the Cappadocians against dialectic methods of finding the truth to the broader historical context of divergent philosophical strategies for creating authority and considers the social embeddedness of the respective protagonists. To the discursive instruments of the culture of dialectic-rhetorical disputation he devotes less space.

80 A classic advocate of this view is Eduard Schwartz, whose picture of Athanasius is marked exclusively by the will to ecclesiastical political power. That questions of power politics were more decisive than theological differences has been stressed more recently by Parvis 2006, esp. 96–133; followed by Barnes 2011, 141. Barnes 2006 argues that the formation of the Homoiousian party occurred before the concept *ὁμοιούσιος* entered the theological debate: the creation of the party preceded the formulation of the creed, not vice versa (on the significance of church parties in the so-called Arian Controversy, cf. also Barnes 2007). In contrast, German patristic scholarship traditionally tends to explore the fundamental differences of the theological positions and emphasize the substantive basis behind the creation of parties (cf. Parvis 2006, 2–3).

81 Most recently, Gaddis 2009, esp. 513.

82 Cf. Martin 1995, 127–130, 215–216.

church, much as Cyprian of Carthage had envisioned it in nearly ideal terms.⁸³ Since there was no conciliar theory or broadly accepted procedure to determine the validity of conciliar decrees in matters of the faith,⁸⁴ the decisive authority in questions of orthodoxy remained individual bishops, whose respective local communities constituted the *unitas ecclesiae* and who, by communicating and communing with one another, guaranteed the orthodoxy of their belief.⁸⁵ This episcopal ecclesiology meant that where an individual bishop stood, there too stood the—orthodox—church.⁸⁶ This brings us to a final aspect that warrants attention here, namely, the effect that the formulation of creeds had on church authority at the local level.

3. The threat to the unity of the church that accompanied the Trinitarian controversy not only manifested itself at the level of the universal church but also affected individual communities at the local level. Although the ancient sources frequently suggest the existence of a stable dichotomy of confessional communities,⁸⁷ closer scrutiny reveals that this picture is inaccurate. First, it is striking that the accusations made in the disputes do not generally target doctrinal error, but criminal acts, sacrilege, or the moral failings of the protagonists.⁸⁸ Second, in most of the conflicts, no significant doctrinal differences can be discerned between the leading figures; this suggests personal rivalry rather than differences of belief.⁸⁹ Recent scholarship accordingly interprets the disputes visible in the sources as conflicts, not between groups that adhered to different confessions but between the supporters of rival candidates in episcopal elections: the collective identity of the groups involved arose through their allegiance to a leader, not from adherence to specific articles of faith. Relationships

83 According to Cyprian's ecclesiology, the local church and above all the episcopate is the institution in which the unity of the church becomes visible; cf. inter al. *Cypr. Unit. eccl.* 4–5. For Cyprian's episcopal understanding of the church, cf. Adolph 1993, esp. 19–32.

84 The first beginnings of a conciliar theory in the proper sense of the word appear in Vincent of Lérins (d. before 450) (see Sieben 1979, 148–170).

85 The *communio* of local churches with one another was made possible by intensive correspondence among the congregations (cf. Williams 1989, 12–14, on the “epistolary habit”).

86 Stressed by von Campenhausen 1955, 78–79, with respect to Athanasius' self-understanding.

87 This tendency is particularly evident as a rhetorical strategy of Athanasius; cf. the detailed source analyses of Hahn 2004, 48–77; Gwynn 2007, 158–164.

88 The accusations made against Athanasius range from sacrilege (breaking a communion chalice, destroying an altar, invading basilicas) to criminal delicts (murder and assault) to acts of high treason (embezzlement of imperial taxes). In Antioch, Eustathius was removed from his see on charges of fornication. Paul of Constantinople was condemned at the Council of Serdica, not for heterodox theological views, but for violence toward the followers of Macedonius (*Dok.* 43.11.21). One could easily cite numerous further examples.

89 This is true, for example, of the conflicts between Athanasius and the Meletians, of the division of the congregation of Constantinople between the followers of Paul and Macedonius, and of the Roman schism between Liberius and Felix.

of patronage were decisive in motivating such people to act; questions of belief played only a secondary role.⁹⁰

This line of interpretation is certainly right to stress the constitutive effect of leaders and iconic figures.⁹¹ One cannot, in fact, assume that confessional groups confronted one another with stable, clearly differentiated identities:⁹² the entrenchment of difference through ritual, liturgical formulae or iconographic elements comparable to the confessionalization of early modern Europe is not found in the polarization of the fourth century, or at most only in incipient form.⁹³ On the other hand, it does not follow from this that religious questions were not a significant part of these local disputes: this inference downplays the guiding importance of faith—on the part of both the leaders⁹⁴ and the followers. The conciliar definition of orthodoxy set in motion by Constantine doubtlessly touched a sensitive spot in the formation of collective identity at the local level. As mentioned earlier, according to the traditional ecclesiology of the pre-Constantinian era there had been no real test for orthodoxy other than that from the single bishops of the church: correct belief was the belief communicated by the local bishop at baptism and in teaching. This once self-evident and fundamental precondition of the acceptance of a local church leader⁹⁵ was

90 Thus Hahn 2004, esp. 276–277, 281–284, 292 (“im engeren Sinne religiöse oder theologische Fragen spielen für die Formierung und die Mobilisierung einer solchen Anhängerschaft oder Gemeinde im Einzelfall keine oder nur eine völlig untergeordnete Rolle. . . . Für die Identität und ebenso für die Mobilisierung einer christlichen Anhängerschaft [besaß] das Prinzip der persönlichen Loyalität gegenüber dem Oberhirten ein vermutlich weit größeres Gewicht als konkrete Glaubensfragen” [Hahn 2004, 284]). Cf. also the chapter by Hahn in this volume.

91 MacMullen 1990.

92 McLynn 1992, esp. 29–37.

93 On the early modern paradigm of confessionalization, Reinhard 1997 (1983) is fundamental. With respect to the Trinitarian disputes of the fourth century, we encounter only the beginnings of such tendencies: effective differentiation was apparently pursued predominantly in doxologies (for Antioch, cf. Theod. *Hist. eccl.* 2.24.3; Sozom. *Hist. eccl.* 3.20.7–9 and 4.28.2; Philost. *Hist. eccl.* 3.19 with Kopecek 1979, vol. 1, 96–102; Galvao-Sobrinho 2006). Baptismal confessions were only slightly affected by the theological controversies and the promulgation of conciliar formulae. One may argue that carefully formulated confessions developed from the fourth century; their verbatim instruction and repetition by the catechumen were intended to guarantee impeccable doctrinal development (von Campenhausen 1979 [1976], 291–293; on the influence of the Nicene Creed on baptismal catechisms in the east, cf. Gerber 2000, 103–107; for the west, Gemeinhardt 2002, 49–51). Nonetheless, this did not lead to a comprehensive standardization of the wording of baptismal confessions: one must expect a great number of local variants (see also *supra* n. 71).

94 To draw a clear distinction between ecclesiastical political maneuvering and genuine religious motives and to privilege the former over the latter seems methodologically impossible in most cases; see also *supra* n. 86.

95 On “spiritual authority” as the central pillar of episcopal prestige, cf. Rapp 2005, 56–99. Hahn 2004, 284, also sees baptism as a constitutive element of patronage relationships between bishops and their followers, but paradoxically attaches no great importance to religious aspects in his interpretation of the actions of groups in local disputes (*supra* n. 90).

undermined by the promulgation of conciliar creeds from the fourth century on. Already Eusebius of Caesarea saw himself compelled not only to justify himself in a personal confession of faith before the Council of Nicaea but also to assure his own community that in Nicaea he had abided by the faith that he had taught them.⁹⁶ This significant evidence illustrates to what extent the position of the leader of a community threatened to disintegrate as the practice of promulgating conciliar formulae of faith gained momentum. The actual doctrinal questions may well have been barely intelligible to the average member of a congregation.⁹⁷ It was, however, immediately noticeable to them—and to a high degree also relevant to their actions—that confidence in having the right faith was no longer a matter of trusting their bishop. The standard for correct belief increasingly lay no longer only in the local *ecclesia* but in a church that was ever more extensively interconnected by councils and empire-wide structures.

Conciliar creeds thus transformed into a potential source of challenges directed at bishops—and not only at the regional level from their episcopal peers but also in local contexts. Frequently clergymen or monks in a particular congregation proved to be a force that could seriously undermine the authority of a bishop by appealing to the correct faith.⁹⁸ This phenomenon permits us to identify more precisely the part played by the formulation of creeds and their disintegrative potential. The numerous conciliar declarations promulgated in close succession did not have a direct effect in the sense of splitting Christian communities into clearly distinct and ideologically defined confessional groups. But the exploding discourse of orthodoxy in the fourth century seriously affected the maintenance of order in local communities. The correct belief was no longer guaranteed by the baptismal faith conferred by the bishop, and the

96 This is the point of his report on the Council of Nicaea to his congregation (cf. *Dok.* 24).

97 The oft-cited statement of Gregory of Nyssa, that one is confronted on every street and market in Constantinople with statements about the relationship of the father and son (Greg. Nyss. *Deit.* [GNO 10/2, 120–121]), is not decisive evidence for a high degree of familiarity with the theological arguments on the part of wide segments of the population. On the contrary, this polemical remark should be understood above all as an attempt to rein in the activities of social groups who in Gregory's opinion had no expertise in these questions (McLynn 1992, 33; Lim 1995, 149–150; Hahn 2004, 281). Gregory of Nazianzus took a similar position in this regard (cf. Greg. Naz. *Or.* 27.2–3).

98 A good example is provided by the attempts at mediation made by Basil of Caesarea in Autumn 373 between conservative Homoioussians around Eustathius of Sebaste and neo-Niceans around Meletius of Antioch and Theodotus of Nicopolis (Basil. *Ep.* 99.1–3). The private agreements reached with Eustathius and Theodotus failed because the bishops had to deal with challengers from within the ranks of their own clergy. Resistance from the camp of the ascetics appears in the historical record for the first time after the wave of depositions in 360 (cf. Brennecke 1988, 60–62); from the end of the fourth century, monks became the dominant pressure group in local conflicts (Lietzmann 1904, 33–34; for the fifth century, cf. Bacht 1953).

disputes about orthodoxy created an unprecedented discursive potential for mobilizing antagonists in local conflicts.⁹⁹

From the perspective of the state, this meant a loss of political stability that was not compensated by any appreciable gain. Contrary to common assumptions, conciliar formulae did not offer the civil administration an effective or obvious way of testing whether a local bishop belonged to the imperial church or not.¹⁰⁰ Even after the introduction of conciliar creeds, the clergy did not simply adopt them but rather justified themselves at councils with personal declarations of faith.¹⁰¹ In addition, there is virtually no evidence from the period of the Trinitarian controversy that adherence to the imperial church was systematically verified with the help of the civil administration in any such way. The only action that resembles thorough monitoring by requiring subscriptions to a conciliar creed—namely, the measures put in place after the council of 360¹⁰²—notably accomplished nothing in the view of the Homoeans, because their Homoiousian opponents unexpectedly subscribed en masse. Afterward, recourse was had to allegations of civil and criminal and even disciplinary offenses¹⁰³—a process that incidentally provided the civil administration with much more reliable and applicable criteria for enforcing orthodoxy than declarations of faith, the doctrinal content of which depended on difficult questions of terminology, not easy to assess even by the theologians and bishops involved.

Independent of the contested question of whether Constantine's programmatic efforts toward unity within the Christian clergy ultimately derived from ideological or pragmatic motives, in light of the preceding discussion we must

99 Again, one must stress that this interpretation quite deliberately neglects the goals of the historical protagonists, who in fact exhibit great diversity. Other motives besides the enforcement of correct belief should be taken into consideration: on the part of clergymen, the interest in driving a bishop out of office; among ascetics and monks, in contrast, self-affirmation as rigorous defenders of the true faith in a campaign against the bishop and the ecclesiastical establishment; among urban populations, a tendency within the citizenry to split and form *staseis*—an endemic phenomenon of the political culture of eastern Mediterranean cities since classical antiquity. What matters in the present context is only that the question of the correct belief became a discursive instrument in the fourth century by means of which effective disputes and conflicts could play out.

100 So, e.g., Meyendorff 1989, 33; similarly, Errington 2006, 171–172. Already Schwartz 1936, 128, interpreted signing the Nicene Creed as a kind of official ticket to enter the imperial church.

101 On these personal confessions or declarations of faith, cf. von Campenhausen 1979 (1976); an incomplete list of the most important examples from Late Antiquity and the Early Middle Ages appears in Hahn/Hahn 1897, 253–363.

102 The sources explicitly attest that the decrees of the Council of Constantinople were circulated throughout the empire to be signed. It is uncertain whether the civil administration followed up or checked whether signatures were given (cf. Brennecke 1988, 60–61); the consequences stipulated (exile for not signing) suggest that it did. I know of no comparable examples: one cannot assume in the context of the measures against Athanasius in the 350s that creeds were propagated similarly (cf. Diefenbach 2012, 76–78).

103 *Supra* n. 39.

conclude that the path he chose—namely, to base the unity of an imperial church on conciliar creeds—was unlikely to succeed. Constantine's church policy as a whole is characterized by the effort to minimize his intervention in the decision-making process of the church. This principle was also observed in matters of doctrine: the emperor did not decree doctrinal unity as a legislator from outside but employed the declaration of faith, in order to achieve universal orthodoxy with the help of a supposedly familiar practice. But this was not the key to success that the emperor anticipated: the *regula fidei* and the declarations of faith made according to it were ill-suited discursive instruments to bring about the doctrinal unification of a nascent imperial church in the form of consensual conciliar creed-making. The outcome was the exact opposite of what Constantine had hoped to achieve with his policy: not an end to the debates, but an explosion of creeds; not internal peace, but the exacerbation of the disputes; not a positive norm for the faith, but a purely negative questioning of the authority of local bishops' teachings, which previously had been the crucial point of reference in questions of orthodoxy.

Creeds thus provide the perfect example of one of the greatest obstacles to the effective institutionalization of an imperial church: the ecclesiastical structures of the early fourth century were those of a bishops' church, in which individual local bishops embodied the unity of the church and enjoyed independent doctrinal authority *ex officio*. When church historians sometimes view Constantine as nothing more than the catalyst of an intrinsic ecclesiastical movement toward the creation of an empire-wide church,¹⁰⁴ they ultimately reproduce the same historical misinterpretation that had already baffled the ecclesiastical and doctrinal policy of Constantine: the transition from an episcopal to an imperial church with a uniform doctrine was not an organic process, but one accompanied by intense controversy. The structural preconditions of an episcopal ecclesiology remained in effect long after Constantine: only gradually did views that took more account of the institutional conditions of an imperial church come to prevail. It was not until the first half of the fifth century that not only the beginnings of a conciliar theory began to emerge¹⁰⁵ but also a significantly greater readiness within the church to grant the decrees of ecumenical councils authoritative force.¹⁰⁶ This tendency also affected

104 Kelly 1972, 211–212; Baus 1973, 29; Meyendorff 1989, 40.

105 *Supra* n. 84.

106 The Council of Ephesus in 431 may be regarded as a milestone in this respect, because it was here that the formula of the Nicene Creed was canonized in its precise wording and fixed as unchangeable (Kelly 1972, 308, 329). In Chalcedon 451, the Creed of the Council Constantinople 381 joined it, in this way rising to the status of a universal creed for the first time (ACO 2.1.2.128 [324] and ACO 2.3.2.136 [395] and 154 [413] with Ritter 1965, 207–208). It was on this basis that the meetings of bishops at Nicaea and Constantinople were first considered “ecumenical” from then on in a normative sense

imperial religious policy, which now attempted to enforce conciliar formulae much more vigorously and elevated orthodoxy to the founding principle of ecclesiastical and political unity.¹⁰⁷ Yet even under these changed conditions, it remained essentially individual bishops who set the standard for orthodoxy and remained the focus of collective identities built on this principle:¹⁰⁸ all conciliar pretensions to authority aside, the legacy of the pre-Constantinian episcopal church still lived on.

CHURCH AND STATE IN THE FOURTH CENTURY AD

The foregoing discussion gives cause not only for reassessing the church policy of Constantius II but also for rethinking the structural relationship between imperial action, state formation, and political integration in the fourth century as a whole. With respect to Constantius II, we may conclude—contrary to the common scholarly view—that he did not pursue a policy of formulating creeds as a means of promoting the unity of the Roman empire. The emperor’s religious policy was intended to isolate individual, disagreeable church leaders and in this way encourage unity within the church. Attempts by the emperor to introduce a uniform creed for the churches of the empire emerge relatively late, from the beginning of 359. Even in this last phase of imperial church policy, which culminated in the establishment of a united Homoean Church in early 360, Constantius II appears to have been the driving force only behind decisions affecting the occupancy of the sees of the metropolises Constantinople and Antioch.

(on which, cf. Baus 1973, 79–80; Dovere 1999, 42–43; Price/Gaddis 2007, vol. 3, 202–203). The bishops at Chalcedon simultaneously introduced a new normative pervasiveness to their formula, which they claimed to apply also to the laity (ACO 2.1.2.130 [326] and ACO 2.3.2.138 [397] and 156 [415]). It remains an open question what factors drove this process of dogmatization; cf. the different approaches toward an interpretation in Studer 1982, 57–58; Lim 1995, 182–229. On the effects of these developments on the “Reichskirche” of the fifth and sixth centuries, see Kötter 2013.

¹⁰⁷ The sixth session of the Council of Chalcedon, when the definition of the faith was read, was the only one in which Emperor Marcian personally participated. At the beginning of the session, Marcian informed the bishops that he intended to achieve the religious unity of the entire population of the empire by means of a creed (ACO 2.3.2.151 [410]: *ut omnis populus per veram et sanctam doctrinam unum sentiens in eandem religionem redeat et veram fidem catholicam colat*) and declared the definition of the council as immutable in the form of an edict (*Cod. Iust.* 1.1.4; cf. ACO 2.2.2.21–22 [113–114]) and ACO 2.1.3.120–121 [479–480]). On the paradigm shift of imperial policy in attributing doctrinal authority no longer to individual bishops but to the ecumenical council, cf. Dovere 1999, esp. 165–223, who places this “svolta normativa ‘conciliare’” in the period between the codification of the Theodosian Code and the Council of Chalcedon.

¹⁰⁸ Emphasized by Menze 2008, esp. 76–86 with respect to the nascent Syrian-orthodox church in the early sixth century.

It would be mistaken, though, to conclude that the actions of the emperor in ecclesiastical politics were purely situational, limited regionally, and reactive. On the contrary, Constantius II shows strong programmatic interest in a unified church, not split by dissension—an overarching goal that he tried to realize by deposing and exiling individual church leaders, not through a policy of formulating creeds. The basic limits of creeds for a successful instrumentalization of the church by the state as a means of effectively promoting unity may also be defined more precisely in light of the foregoing. Paradoxically, it was not the “imperial” subjection of the church to the emperor’s will that led to problems but, on the contrary, the emperor’s effort to adapt an established model. Resorting to declarations of faith, which had functioned under traditional conditions of a bishops’ church as a discursively effective guarantor of orthodoxy, indeed indicated an imperial rapprochement with established procedures, but was structurally unsuited to promote doctrinal unity in the form of conciliar creeds for an imperial church.

The foregoing reflections also have further implications with respect to the relationship of church and state in Late Antiquity, the consequences of which can only be sketched here. The church policy of Constantius II and the formulation of conciliar creeds in the fourth century AD are perfect illustrations of how the concentration on the emperor, on his initiatives, and on the reach of imperial action prevalent in current discussions of state building and imperial action in Late Antiquity is of limited usefulness in capturing the structural aspects of late-antique state formation. First, the ways in which an emperor might act should never be considered in isolation, but always in the context of an agenda, which—as one clearly recognizes in the case of the church policy of Constantius II—was often far more carefully planned, systematic, and dirigiste than one would suspect by concentrating only on individual measures: the emperor might act in an individual situation or case, but this is neither equivalent to imperial reaction nor symptomatic of the lack of a programmatic agenda.¹⁰⁹ Second, the current focus of scholarship on the “active” or “reacting emperor” as protagonist should fundamentally and critically be reconsidered. Besides the fact that the “reacting emperor” is frequently cited only to account for the concrete decision-making process of the central administration, without addressing structural aspects of imperial action,¹¹⁰ this approach

¹⁰⁹ *Supra* n. 46.

¹¹⁰ Lizzi Testa 1996, who stresses the influence of the administration and individual bishops on the religious policy of Theodosius I, is a perfect example. With regard to the political decision making at the court, this aspect is indisputably important. It should be taken into consideration, however, that this influence in most cases did not affect the guidelines of imperial policy but only its strategic enforcement (rightly emphasized with respect to Theodosius I by Errington [*supra* n. 45]; on this question, cf. also the remarks by Schmidt-Hofner 2008, 29–30).

too drastically reduces the complex functioning of the political system to the emperor and the emperor's actions. Even if the significance of administrative structures centered on the emperor is rightly credited with the intensification of state-building in Late Antiquity,¹¹¹ this perspective is deficient, because it neglects the institutional preconditions of imperial action. Whether the emperor was able to utilize institutions successfully did not depend solely on his personal ability to enforce his will but also on the structural preconditions of the institutions themselves. In this sense, contrary to the presumptive hopes of Constantine and his successor Constantius, the church did not prove to be an effective partner in the political integration of the Roman Empire: the time for an imperial church with a uniform creed in the middle of the fourth century had not yet come.

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111 On "personal bureaucracy" as an essential element of the structures of a patrimonial state in the high and later Roman Empire, cf. most recently Eich 2005, esp. 383–390. In general on the formative role of imperial action and the administration for the late-antique state, Eich et al. 2011, 12.

The Challenge of Religious Violence

Imperial Ideology and Policy in the Fourth Century

JOHANNES HAHN

FOR CENTURIES, THE PHENOMENON OF RELIGIOUS VIOLENCE WAS VIRTUALLY unknown to the Roman empire: Roman officials understood the “persecution” and condemnation of Christians as necessary for maintaining law and order. They would have been at a loss if they had had to document cases of religious violence in their districts, just as members of the imperial *consilium* would also have been puzzled by such reports. Historians today—in contrast to early Christians¹—find it equally difficult to detect religious violence under the Principate.² One might cite an incident in Lydian Kolyda, memorialized in an inscription in the second century. According to the brief report, a mob gathered during a festival in honor of Mes Motylleites, advanced with clubs and swords on a temple building identified as a *basilica*, attacked the temple slaves, and smashed the cult images.³ A striking case of religious violence in Roman Asian Minor, it seems. But the background of this event, the goals, and even the identity of the assailants are completely unknown: the dedicator of the expiatory inscription saw no reason to record them.

Religious violence as a phenomenon of public life is indeed peculiar to Late Antiquity. Moreover, in the typology of public disturbances—food riots,

1 Christians themselves, from very early on (see the report on the stoning of the deacon Stephanus by members of the Sanhedrin in Acts 6–7, or the story of the riot of the silversmiths of Ephesus in Acts 19.23–39), fostered stories of how they suffered not only state-orchestrated persecution but also popular violence. In martyr acts (e.g., *Mart. Polyc.* 3.2; 12.2; 13.1), the (supposedly) popular demand for the death of Christian victims suggests religiously motivated violence—or perhaps rather illustrates a Christian perception that connected outbreaks of violence with religious beliefs.

2 I exclude the few cases of religious violence by Christians against pagan cult sites and images attested in the third century, the purpose of which was to obtain martyrdom—a practice also condemned by the early church. See, for example, *Canon. Elvir.* 60. Cf. Stewart 1999; Butterweck 1994; Bowersock 1995.

3 The report is an expiatory inscription published in Herrmann/Malay 2007. See Chaniotis 2009, 115–153.

theater and circus revolts, violent religious conflicts⁴—religious unrest and violence are of particular religious, social, political, and historical interest because of the striking frequency with which they occur in Late Antiquity, and even more so because the contemporary tradition records them in great detail.

Unlike circus revolts or food riots, which proved to be a specific problem of the urban culture of the Roman Empire, violent confrontations of a religious nature were not limited to the city. On the contrary, religious violence extended far beyond the city limits. Whole regions of the countryside, especially in Syria, Palestine, Egypt, and parts of North Africa, were affected by it. It will emerge below that religious violence in public life was not merely a challenge faced by the Roman state and in particular by the emperor. Rather, it is a historical phenomenon that is inconceivable without the involvement and even the initiative of the imperial court. The massive patronage of the Christian Church by the emperors since Constantine decisively fostered the rise of an aggressive religiosity and readiness to resort to public violence in the name of religion. Within a matter of decades, the prevalence of religious violence against the meeting places and holy sites of rival sects, as well as against persons of different religious belief or identity, became a serious threat to public order in numerous cities and communities of the Roman Empire, reaching a first climax in the reign of Theodosius I. Religious conflict, however, including isolated, local cases in which conflict escalated to the violent suppression of persons of different faith and even bloody public confrontations, remained characteristic of late-antique society into the age of Justinian.

Bitter debate about the veracity and accuracy of different concepts of God and of religious belief, about articles of faith, and about cult practices rapidly entered the public discourse, especially in Christian circles. Striking threats of violence were soon pervasive in religious rhetoric—and imperial proclamations will have had no small part in this.

Only a few years after the death of the first Christian emperor, around AD 345, the convert and Christian pamphleteer Firmicus Maternus appealed to the sons of Constantine to put a violent end to pagan cults and rituals. His demands breathe that aggressive Christian rhetoric that would directly change life in many communities under Constantius II, causing religious conflicts to break out and escalate to violent confrontations on the street:

These practices must be eradicated, Most Holy Emperors, utterly eradicated and abolished. All must be set aright by the severest laws of your

4 So already the differentiation in the classic work by Jones 1964, vol. 2, 694, followed by Cameron 1976a, 271, with the reservations of Whitby 1999, 232.

edicts, so that the ruinous error of this delusion may no longer besmirk the Roman world. . . . Only a little is lacking that the devil should be utterly overthrown and laid low by your laws, and that the horrid contagion of idolatry should die out and become extinct. The venom of this poison has vanished, and every single day marks a weakening in the hard core of godless passion. Up with the banner of faith! For you the divine will has reserved this task. . . . Happy you whom God has made partners in executing His purpose and His will. For your hands the benevolent Godhead of Christ has reserved the extermination of idolatry and the overthrow of the pagan temples. . . . Take away, yes, calmly take away, Most Holy Emperors, the adornments of the temples. Let the fire of the mint or the blaze of the smelters melt them down, and confiscate all the votive offerings to your own use and ownership.⁵

The aggression and naked intolerance of Christian leaders and groups who unexpectedly exchanged outlawry and persecution for the emperor's favor were not the only factors that promoted a climate of religious tension, threats, and violence. The radicalization of the public discourse on divine truth and the controversy with dissenters of other faiths, the militancy of many converts, and the readiness of the Christian faithful, communities, or specific groups (often of ascetic background) to resort to violence undoubtedly indicate how religious dissent might escalate into the open use of violence and bloody confrontations between Christians or between Christians and pagans (or Jews). Yet this radicalization would have been inconceivable without the conversion of Constantine as a precondition. The decision of the emperor first to promote, then to impose *one* belief, one imperial religion, and one sacred organization, the imperial church, and the simultaneous withdrawal of the privileges and the ensuing suppression of traditional cults and other rival religious communities would mark the religious and political life of the Roman empire to an extent that was previously inconceivable: clearly abandoning Roman religious tradition, for the first time the late-antique emperors developed the goals and

5 Firm. *Err. relig.* 16.3, 20.7, and 28.6 (trans. Forbes 1970): *Amputanda sunt haec, sacratissimi imperatores, penitus atque delenda, et severissimis edictorum vestrorum legibus corrigenda, ne diutius Romanum orbem praesumptionis istius error funestus immaculet. . . . Modicum tantum superest ut legibus vestris funditus prostratus diabolus iaceat, ut exstinctae idololatriae pereat funesta contagio. Veneni huius virus evanuit et per dies singulos substantia profanae cupiditatis exspirat. Erigite vexillum fidei: vobis hoc divinitas reservavit. . . . Felices vos quoque: gloriae ac voluntatis suae deus fecit esse participes, idololatriae excidium et profanarum aedium ruinam propitius Christus populo vestris manibus reservavit. . . . Tollite, tollite securi, sacratissimi imperatores, ornamenta templorum. Deos istos aut monetae ignis aut metallorum coquat flamma, donaria universa ad utilitatem vestram dominiumque transferte.* On which, see Drake 1998; Caseau 2007; Kahlos 2009.

instruments of a far-reaching, innovative religious policy. They thereby defined and opened up a new area of political action, one that would exert its influence far beyond the limits of religious life in countless cities and communities: the state intervened directly and indirectly in centuries-old practices and norms of public life and promoted a profound transformation of religious life and, with it, of society and its elite. Thus, within a few generations, namely, in the Theodosian era, the religious unity of the empire under Christian emperors was imposed with increasing pressure.

Christian emperors since Constantine employed legislation above all to realize their self-imposed political goals: the spread of the Christian faith throughout the empire and the suppression of pagan cults and rival religious systems or sects.⁶ This legislation restricted pagan cult practices ever more over the course of the fourth century and finally prohibited sacrifice under threat of punishment, but its *immediate* effect should not be overestimated. Even Constantine's measures, which included the demolition of specific temples, were far more limited and sporadic than his biographer and historian, Eusebius, would have us believe.⁷ The resonance of such acts as public signals, however, was considerable. Laws and edicts, often provided with lengthy instructions, were read and posted in the public places of the cities of the empire; they proclaimed to the entire population of the empire the bonds between the emperor and the church (but not rival Christian sects, defamed as heretical) and propagated the marginalization of the old cults and other religions.⁸ Above all, these proclamations breathe an imperial spirit as offensive as it is aggressive: *cesset superstitio, sacrificiorum aboleatur insania* decrees Constantius II only a few years after the death of Constantine, bluntly revealing his opinion of the cult practices of (still) the majority of the population of the empire.⁹ He decrees the closing of pagan temples with the intention that *omnibus licentiam delinquendi perditis abnegari*; he threatens death by the sword for violating the prohibition of sacrifice.¹⁰ The aggressive, swiftly Christianized rhetoric

6 This is true particularly of late-antique Judaism, which flourished remarkably in the east of the empire; see Wilken 1983; Stroumsa 2007.

7 See most recently Wallraff 2011a.

8 On the staging and effect of the proclamation of imperial laws in the cities of the empire, see Harries 1999, 70–76, and Matthews 2000, 187–195, with references.

9 *Cod. Theod.* 16.10.2: "Superstition shall cease; the madness of sacrifices shall be abolished" (AD 341). According to Euseb. *Vit. Const.* 2.45, already Constantine had proclaimed anti-pagan measures in derogatory terms: "one [of the rulings] was intended to restrain the idolatrous abominations which in time past had been practised in every city and country; and it provided that no one should erect images or practise divination and other false and foolish arts or offer sacrifice under any circumstances."

10 *Cod. Theod.* 16.10.4: *placuit omnibus locis adque urbibus universis claudi protinus templa et accessu vetito omnibus licentiam delinquendi perditis abnegari. volumus etiam cunctos sacrificiis abstinere. quod si quis aliquid forte huiusmodi perpetraverit, gladio ultore sternatur* (346 [354?] Dec. 1).

of imperial proclamations first adopts the pejorative term *pagani* in the year 370 as the official designation for practitioners of traditional religions or polytheists. The word had been coined in Christian circles as a demeaning general term for the uneducated rural population that adhered to traditional cults. It was, however, the increasingly juridical usage of *superstitio*—false belief, but also illegal religious practices—that advanced in word and deed the outlawing and suppression of all non-Christians and “heretics.”¹¹ Fully preserved anti-pagan and anti-heretic legal texts, that is, those still provided with their verbose *praefationes*, from the first decades of the fifth century bristle with often nakedly violent diction; their readers must have inferred corresponding treatment of persons of different faith by the state.¹²

Even if it is doubtful whether religious laws were consistently enforced at the local level, the religious zeitgeist is unmistakable. And all inhabitants of the empire must have known that those “thousand terrors of the laws” alluded to in a decree issued a century after Constantine¹³ could suddenly materialize in their own community, far from the court in Constantinople, if only an efficient official or influential bishop with extensive connections knew how to wield them.¹⁴ Such laws must indeed have spread terror, however inconsistently they were formulated, issued, and enforced; they certainly were enforced locally at the latest in the late fourth century, if not already under Constantius II (about

11 Salzman 1987. On the history and semantics of the concept, see now also Kahlos 2007.

12 The *praefationes* of the sixteen, resp. twenty-one imperial constitutions on matters of cult, the so-called *Constitutiones Sirmondianae*, as well as the texts of the later *Novellae* of Theodosius II and Valentinian III reflect this moralizing (and theologizing) dimension of late-antique imperial legislation with striking clarity. In contrast to the religious laws preserved in the *Codex Theodosianus*, the texts in these collections are transmitted intact and have not been stripped of their introductory explanations, which are normally cut from the texts in the *Codex*. On the *Constitutiones Sirmondianae*, see Vessey 1993; Matthews 2000, 121–167, esp. 160–164.

13 Nov. Theod. 2.3.10: *Quos non promulgatarum legum mille terrores, non denuntiandi exilii poena compescunt, ut, si emendari non possint, mole saltem criminum et illuvie victimarum discerent abstinere. Sed prorsus ea furoris peccatur audacia, iis improborum conatibus patientia nostra pulsatur, ut si oblivisci cupiat dissimulare non possit. Quamquam igitur amor religionis numquam possit esse securus, quamquam pagana dementia cunctorum suppliciorum acerbitates exposcat, lenitatis tamen memores nobis innatae trabali iussione decrevimus, ut, quicumque pollutis contaminatisque mentibus in sacrificio quolibet in loco fuerit comprehensus, in fortunas eius, in sanguinem ira nostra consurgat. Oportet enim dare nos hanc victimam meliorem ara Christianitatis intacta servata.* See also Brown 1998, 638. On this law from January 31, 438, and the imperial attitude apparently hostile to pagans, “heretics,” and others, see also the analysis of Millar 2006. An unusually evocative depiction of the exercise of imperial power by law, which paints the *legum mille terrores* in lurid colors, may be found in a sermon of Shenoute of Atripe: Amélineau 1914, pp. 523, 7–22, cited in Hahn 2011, 201.

14 Perhaps the most illuminating example of the great importance of such contexts and how specific individuals might change them by altering local religious conditions is Gaza in the fourth and early fifth century. See Van Dam 1985; Hahn 2004 (with further literature).

the implementation of his religious policy we know far too little):¹⁵ anyone who sacrificed an animal or read the entrails faced the death penalty; heretics faced near-lethal flogging with lead-studded scourges; the governor and his official staff faced financial ruin for neglecting to enforce the law.¹⁶ There can be no question—all doubt about the efficacy of the laws notwithstanding¹⁷—whether the incendiary language of intolerance and oppression in official edicts set the conditions and climate that prevailed in local society and politics and—still more important—shaped how different religious groups would interact and compete.¹⁸ In North Africa, for instance, the *circumcelliones*, radical groups who supported the Donatist Church, played a violent part in the religious conflicts of the region from the middle of the fourth century; toward the end of the fourth and beginning of the fifth century, they also set their sights on pagan cults and destroyed altars and sanctuaries in the countryside without any legal justification. Even ordinary Christians seem to have acted likewise.¹⁹

It would, however, be rash to connect every instance of religious conflict and its violent resolution primarily with legislation or interventions by the late-antique state in matters of religion. Such a conclusion, in fact, would completely overlook the cause of the bloodiest religious conflicts in the fourth century: internal controversy in the Christian Church. Such conflict had surprisingly less to do with doctrinal disputes than with structural changes that the success of the church had brought with it.

The dynamic expansion of the Christian Church due to the protection, privileges, and effective promotion it received from the emperors led to the establishment of an empire-wide Christianity present in every city of the empire. Local organization in Christian communities came under the authority of the bishop and clergy, who also served as unofficial administrators of the imperial religion and as important contacts of the imperial administration at the local level. The newfound importance of the local leaders of the church, above all the bishop with the growing worldly influence of his office, made their positions more

¹⁵ Barnes 1989; Leppin 1999.

¹⁶ Brown 1998, 638, with references. Cf. the systematic collection of anti-pagan legislation in Noethlichs 1971 as well as the analysis of the juridical treatment of sacrifice as the central pagan action from Constantine to Justinian by Trombley 1993–1994, vol. 1, 1–96.

¹⁷ With respect to efficacy of anti-pagan legislation, Augustine encouraged his congregation (Augustin. *Ep.* 93.26 [PL 33, 334]; cf. *Ep.* 91.8 [PL 33, 316]): “How many among them have been led on the right path and onward to the living god, indeed, how many are converted daily!”

¹⁸ Errington 1997, 233–237, 249–252 (for Theodosius). For Africa, this is also emphasized now by Shaw 2011, who diagnoses “the zealous response of freelance Christian enforcers” and sees the pagan-Christian violence of the 390s and following years as essentially analogous.

¹⁹ Shaw 2004. Augustine suggests wide participation of Christians in attacks (*impetus*) on cult images; Augustin. *Ep.* 209.9 (CSEL 57, 351). Vgl. C. *Gaudent.* 1.38.51 (CSEL 53, 250): illegal attacks by Donatists and Catholics on pagan temples.

and more the object of personal ambition and, in consequence, the cause of bitter strife within the community. When ignited less by individuals than by the doctrinal views they held, these controversies could lead to acts of violence against dissidents. In a narrower sense, one might describe them as religiously motivated violence. From the point of view of the government, the violent escalation of conflicts within local communities during contested episcopal elections—even if these elections were not concerned with theological controversy—over the course of the fourth century was no less relevant.

The bloodiest conflict documented in the tradition, which broke out over the succession of Liberius, bishop of Rome, is instructive. From the beginning, it was a contest purely for power and loyalty: immediately after the death of Liberius in September 366, a battle between the supporters of the two most promising candidates cost 137 members of the community their lives. The partisans of the deacon Ursicinus and the archdeacon Damasus—rivals who, in the words of the sober historian Ammianus Marcellinus, were in their unbri-dled ambition *supra humanum modum ad rapiendam episcopi sedem arden-tes*—feuded over the course of several years.²⁰ Two aspects of Ammianus' report deserve emphasis: first, the contest is perceived as a pure power struggle for leadership of the powerful diocese of Rome and its resources. Second, orderly civic life in Rome collapsed in such spectacular fashion that the official responsible for keeping the peace in the city, the urban prefect Viventius, had to retreat to the *suburbium* of Rome.²¹ The emperor's representative was so helpless before the breakdown of public order that he found himself unable even to initiate action to suppress the riots.

Ammianus' distanced, analytical perspective takes the point of view of the public authorities confronted by the unrest. He suppresses the fact that the conflict also had a religious dimension, albeit one primarily concerned with church law—or perhaps in his concern only for public order, he considered this

20 Amm. Marc. 27.3.11.

21 Amm. Marc. 27.3.11–14: "Damasus and Ursinus, who burned beyond human measure to obtain the bishopric, formed parties and carried on the conflict with great asperity, the partisans of each carrying their violence to actual battle, in which men were wounded and killed. And as Viventius was unable to put an end to, or even to soften these disorders, he was at last by their violence compelled to withdraw to the suburbs. Ultimately Damasus got the best of the strife by the strenuous efforts of his partisans. It is certain that on one day 137 dead bodies were found in the Basilica of Sicininus, which is a Christian church. And the populace who had been thus roused to a state of ferocity were with great difficulty restored to order." The church historian Socrates judges it not much differently, when he writes (Socr. *Hist. eccl.* 5.29): "Whereupon dissension arose among the people; their disagreement being not about any article of faith or heresy, but simply as to who should be bishop. Hence frequent conflicts arose, insomuch that many lives were sacrificed in this contention." On the episcopal election of 366, see most recently in detail Reutter 2009. Note also in particular Pietri 1976, 407–419; Kahlos 1997; McLynn 1992, 15–18.

aspect insignificant. An extensive dossier of texts and pamphlets that survives today, the *Collectio Avellana*, may help illuminate the religious side of the conflict. Ammianus focuses on the secular effect and on political, not religious, motives when he discusses conflicts between Christians. He seems to strive to maintain a reserved neutrality and even distance with respect to religious questions and Christian concerns, but regardless of this historiographical approach,²² one must acknowledge that the “religious violence” described in particular in Christian and anti-Christian sources of the later empire—violence that engulfed not merely Christian and other religious communities but whole cities, and in isolated cases verged on a kind of local civil war—often was only superficially or partly inspired by genuinely religious motives. In many cases, religion was merely a smokescreen, if not indeed a propagandistic pretext or means of legitimation, to further the ambitions of power politics. In every documented case, our analysis must take into account the nature and weight of specific motives for the escalation of religious conflict.

It is obvious that the history of the church in the great late-antique metropolises of the East—especially Constantinople and Antioch—shows a long series of serious, often bloody conflicts over how prestigious episcopal or patriarchal sees would be filled. Doctrinal questions either played a minor part or were created by the personnel decisions of the emperor: thus, Antioch’s theological preeminence evaporated completely in the same period in which it was plagued by a century-long schism between different “orthodox” communities coexisting under their bishops; Constantinople meanwhile was home to small Christian congregations that were separate but not necessarily hostile toward one another: nine different groups in all at the end of the fourth century!²³ The conflicts and occasional street battles between partisans of the rivals Paulus and Macedonius (from AD 336), which in AD 359 would culminate in a massacre of over 3,000 victims at the church of Acacius, did not derive from theological differences between the followers of either contender. The installation of Macedonius as bishop of Constantinople by Constantius II in 342 and Macedonius’ subsequent engagement in ecclesiastical politics, as well as the later ecclesiastical tradition, all confirm this.

Power struggles between extremely ambitious church leaders (who in the great cities regularly derived from the civic elite) and conflicts of loyalty among the affected faithful sporadically triggered explosions of religious violence—in Constantinople, characteristically, such unrest always occurred in times of

²² Matthews 1989.

²³ McLynn 1992 (especially on Constantinople); Isele 2010: on conflicts in Constantinople, 15–111, 195–218 (with older literature).

temporary political instability. Such conflicts, in the context of real civic *stasis*, forced the public authorities either to resort to bloody military intervention or to wait helplessly on the sidelines. It is difficult, however, to trace these orgies of violence to genuinely religious or theological motives. Christian witnesses, whether bishops involved in the conflicts or later church historians, regularly attempt to diagnose differences of belief as the causes of inner-Christian conflict, and, thus, to identify the defense of the one true faith as the continual, albeit often misdirected, driving force behind it. The perception of the pagan Julian touches upon a prominent aspect of the majority of the violent conflicts between Christians—which in turn constitute a clear majority of the violence motivated by religion or carried out in its name in the fourth century: “Even wild beasts are less savage to men than Christians are to each other.”²⁴ Such analyses have the power to show that the sharply drawn, contested lines between local religious groups in the late-antique world were not infrequently correlated with social, economic, and even “national” or ethnic differences. Religious conflict could also serve as a release for such tensions or be exploited for such purposes.²⁵ Such distinctions, insofar as they were clearly recognized at all, were of little importance to the public authorities, whether municipal officials, provincial administrators, or the imperial court: the primacy of maintaining public order generally demanded immediate intervention if the peace was threatened or unrest had to be prevented or suppressed.

Even though religious tensions between pagans and Christians and the differences between rival Christian groups in fourth-century Alexandria were virulent, the series of conflicts in the Egyptian metropolis still illustrates how secular differences and objects of contention, personal ambitions, and economic interests were entangled and overlapped. The bishop Athanasius (328–373), enemy of the Melitians (in Egypt) and of Arianism (throughout the empire), operated in his decades-long struggle with ecclesiastical enemies and with Constantius II under thinly veiled political premises: it was for political reasons that he openly made an alliance with pagan groups in Alexandria (and probably also with the Jewish population), so that he could suppress his rivals in the church, even by physical force, and maintain possession of his episcopal see. Constantius II repeatedly intervened with force in the effort to impose his ecclesiastical policies on Alexandria and depose Athanasius, but he succeeded only in forcing Athanasius underground, not into exile. In his public missives,

24 Amm. Marc. 22.5.4 (paraphrasing a statement of Julian’s): *nullas infestas hominibus bestias ut sibi feralibus plerisque Christianorum expertus*.

25 See detailed case studies in Hahn 2004.

the bishop depicted the attempts of the emperor to seize his person as a bloody persecution of his followers and the churches defended by them.²⁶

The most spectacular act of religious violence in the dispute over Athanasius' see—the murder of the Arian counterbishop George of Cappadocia—was sparked by a conflict of an entirely different sort. George, a protégé of Constantius II, had allegedly planned to raise the imperial taxes, denounced leading citizens before the emperor, and seized for his own profit the lucrative monopolies of the Alexandrian church in saltpeter, papyrus, silpium, and salt, as well as the city's burial organization. Finally, and foolishly, he not only confiscated temple treasures but also threatened to close and take from the pagan population the civic temple of Tyche.²⁷ An urban mob massacred the bishop and the imperial *praepositus monetarum* of Alexandria shortly thereafter, on December 24, 361, after news of the death of Constantius II. George's death was the result of a complicated bundle of motives and undoubtedly also indicates hostility toward the emperor.²⁸ These factors would not, however, prevent George's subsequent portrayal as a martyr by Arians or (potentially) his later rise to become the most significant saint in Christendom.²⁹

Only at first glance was the frequent, actual "distance" of the court from religious conflicts caused by geography. The nature of local conflicts fought in the name of religion often reduced imperial authorities and thus also the emperor—his prerogative in questions of religious policy notwithstanding—to the position of bystanders. Local political, economic, and social factors and forces implicated in numerous conflicts and acts of violence, especially against temples, are depicted in the tradition as strictly spiritual in nature. The destruction of holy places that were integral to the identity of a city by Christian bishops, fanatics, or even ascetics—in other words, the most extreme form of religious conflict and from the perspective of the central administration the most serious threat to public order—was far more than the ultimate escalation of a local religious controversy: such events advertised to the public the conquest, occupation, or extinction of the pagan tradition of a community

26 See most recently with full references Isele 2010; Watts 2010, 178–179. On the storming of the Theonas-Church on February 8–9, 357, see also Hahn 2004, 60–64.

27 The church monopolies and their seizure by George: Epiph. *Panar.* 76.1.5ff. (Holl 3, 341). Threats against the Tycheion: Amm. Marc. 22.11.7.

28 On the course of events and their interpretation, see Caltabiano 1985, 17–59 (with all sources); Haas 1997 (rather uncritical); Hahn 2004, 66–74 (with further literature).

29 This would be the case if George of Cappadocia were in fact (on the basis of a transfer of his relics to Diospolis in Palestine) to be identified with the soldier martyr George, who later enjoys unprecedented prominence in both the western and eastern church as a saint of soldiers and cavalry. This speculative thesis (though already suggested in 1781 by E. Gibbon in his *Decline and Fall of the Roman Empire*) has recently been represented by Woods 2009; cf. Wetzig 2007, 236.

and thereby made obsolete their traditionally interrelated political, economic, and social functions in the affected local society. Precisely the symbolic value and diverse functionality of holy places marked them as targets of the first rank for religious violence, as well as focuses of corresponding propaganda and discourses. Bishops and monks, beginning with bishop Marcus of Arethousa in the middle of the fourth century,³⁰ are transmitted to us in ecclesiastical histories and saints' lives both as temple raiders and destroyers and as victims, and thus as martyrs, of religious violence. The real motives and actions in these episodes, as well as the circumstances and extent of the use of force, are difficult to grasp in light of the propagandistic interests of the growing Christian tradition and can be tested only from case to case.³¹ The development of literary traditions is the foremost phenomenon observable from today's point of view—the historian is often left only with considerations of plausibility.

There are good reasons not to overestimate the role of ascetics in religious conflicts and with respect to the use of violence. They doubtless played a significant role in individual regions, especially in Syria, Palestine, and Egypt, in conflicts with the pagans still resident in these areas, and violent confrontations with pagan cults (but above all with demons!)³² are emphasized in the *Life* of many an important ascetic. But—perhaps with the exception of Constantinople—monks were hardly a presence in the cities of the fourth century and only in rare cases played any role in the controversies. Hagiographical flourishes, moreover, are often unmistakable, and the topical function of such episodes quickly becomes apparent: the Egyptian ascetic who is alleged to have destroyed no fewer than 365 temples meets expectations with symbolic comprehensiveness, expectations that are echoed even in an Egyptian context in only few hagiographical texts.³³ The evidence suggests that ascetics began to play a high-profile part in violent religious conflict only toward the end of the fourth century.³⁴

30 Besides M. Diac. *Vit. Porph.* for the events in Gaza circa AD 402–403, the most detailed description of the destruction of a temple is found in Sozom. *Hist. eccl.* 7.15.12–15 and Theod. *Hist. eccl.* 5.21.6–15 on Apameia on the Orontes and the role of the local bishop Markellos. See Fowden 1978, 63–65; Wallraff 2011b, 165–166.

31 On the methodological difficulties of the analysis of relevant episodes, see Emmel/Gotter/Hahn 2008.

32 Brakke 2008.

33 Cf. Gabra 1983, 53–60. On the range of comparable finds, see Saradi 2008.

34 Even in the collection of monks' lives, the *Historia Religiosa* of Theodoret, dedicated to contemporary ascetics in the territory of Kyrrhos (Syria), the fight against paganism (and acts of destruction or other aggression) play only a subordinate role: Wallraff 2011b, 169. On the role of ascetics in the destruction (or rather plundering and vandalizing) of rustic sanctuaries in the vicinity of Antioch, which inspired Libanius to write his famous treatise *Pro Templis* (Or. 30, probably composed between 385 and 387), see now the contributions to the volume dedicated to this text (with text and German

More instructive is the fact that massive force was deployed against pagan cults in the late fourth century by ecclesiastical and public authorities jointly, namely, by the local bishop and a high-ranking imperial official—in some cases even a special delegate of the emperor. After a failed imperial attempt to destroy the civic temples of Apameia, Bishop Markellos is said to have succeeded with the support of “soldiers and gladiators.”³⁵ In Gaza, where the elite stubbornly clung to local pagan cults until shortly after AD 400, and in particular had openly celebrated the well-known cult of Marnas with sacrifices and festivals, the new bishop Porphyrios destroyed the civic temples only with the help of military support from Constantinople, which was delegated to him personally by the emperor. Porphyrios erected an imposing church as a foundation of the empress Eudoxia, allegedly on the site of Marnas’ temple. This imperial ambition to shape religious politics, however, collided with considerations of “Realpolitik”—in this case, financial considerations, something that the hagiographical tradition on the Christianization of Gaza itself reveals. The emperor first rejected the bishop’s call for violent action against the cults of Gaza, which were being defended by the local elite. He reasoned, “I know full well that this city is dedicated to idolatry; nonetheless, it loyally fulfills its tax duties and brings in high income.”³⁶ Economic and administrative considerations took precedence for the central administration in dealing with specific local conditions. The uncompromising enforcement of religious policy, which might provoke polarizing conflict and violent escalation, was hardly at the top of the court’s agenda. Under normal political conditions, exceeding the limits of what a community could bear and heavy-handed, direct intervention in its affairs against the declared will of the local elite contradicted the interest of the imperial administration in maintaining the internal balance and stability of the cities (and the uninterrupted flow of tax revenue).

The imperial response to hotspots of religious violence at the local and regional level is characterized by a farrago of temporary indifference, administrative sluggishness, and sporadic interventionism, even in the years around AD 400. State intervention in religious affairs and controversies even toward the end of the fourth and still at the beginning of the fifth centuries was most often the result of massive agitation or lobbying by local power brokers; bishops or even, as important intercessors, provincial church councils could number among them. The question of whether the power of the state or the emperor

translation) by Nesselrath 2011. On contemporary criticism, both pagan and Christian, of the violence of monks, see also the compilation of references and discussion by Gaddis 2005.

35 Sozom. *Hist. eccl.* 7.15.13. Cf. Theod. *Hist. eccl.* 5.21.6–15.

36 M. Diac. *Vit. Porph.* 41.

in distant Constantinople could be mobilized successfully hinged on such circumstances. It demanded of petitioners patience and stubborn persistence.

Few interest groups or institutions were as successful—and are, to us, as well known in detail—as the North African church. Faced with a passive provincial administration, the church of Africa Proconsularis in the late fourth and early fifth century AD resorted to incessant, determined lobbying at the imperial court seeking not only to elicit a series of laws against the Donatists and pagans but also to ensure their enforcement with public means of coercion.³⁷ Only in April 399 could the previously issued edicts be supplied the requisite force: two *comites imperatoris* were dispatched from Italy by the court with the task of closing the temples of Carthage.³⁸ Conciliar acts document these and further, protracted efforts of the bishops, with delegations leaving for Italy every few months.³⁹ The church was not content with the spectacular victory of 399. Anti-Christian violence was to be checked not only in Carthage but in all Africa; the prohibition of pagan cults was to be enforced everywhere.⁴⁰ This demand was put to the emperor in Ravenna by the episcopal synod in even sharper terms shortly thereafter, in response to pressure by a Christian mob on the streets of Carthage.⁴¹

The Catholic Church of North Africa made no use of the ordinary channels available, that is, the governor and the regular administrative hierarchy, in its protracted, legalistic campaign for the suppression or destruction of its religious opponents. On the contrary, its strategy was to mobilize the imperial court itself with extraordinary administrative and communicative tactics—namely, networking, embassies, and petitions—and to force the court to commit itself to long-term religious and political engagement in North Africa. This strategy, developed and successfully deployed in the decades-long struggle

37 Hermanowicz 2008; Shaw 2011, 275–280, and *passim*, as well as 517–543.

38 On the activities of imperial emissaries in AD 399, see Augustin. *Civ. Dei* 18.54: *Falsorum deorum templa everterunt et simulacra fregerunt*—surely an exaggeration made in hindsight: the temples may merely have been closed. See soon Grillo and Hahn (forthcoming).

39 Shaw 2011, 516: “The Catholic lobbying of the court in the years 404 and 405 was so intense that the court asked the Catholic Church in Africa to stop dispatching so many embassies to Italy and to Ravenna.” (Concil. Carth. Aug. 16, 405 = Reg. Eccl. Carth. Excerpt. 11.94 D [CCL 149, 214, Munier]). See also Merdinger 1997, 98.

40 Concil. Carth. June 16, 401 = Reg. Eccl. Carth. Excerpt. 58 (CCL 149, 196, Munier): *Instant etiam aliae necessitates religiosis imperatoribus postulandae, ut reliquias idolorum per omnem Africam jubeant penitus amputari—nam plerique in locis maritimis atque possessionibus diversis, adhuc erroris illius iniquitas viget, ut praecipiantur et ipsa deleri, et templa eorum, quae in agris vel in locis abditis constituta nullo ornamento sunt, jubeantur omnimodo destrui.*

41 Concil. Carth. Sept. 13, 401 = Reg. Eccl. Carth. Excerpt. 84 (CCL 149, 205, Munier): *Item placuit ab imperatoribus gloriosissimis peti, ut reliquiae idololatriae non solum in simulacris sed in quibuscumque locis vel lucis vel arboribus omnimodo deleantur.*

against the numerically superior Donatists, also proved effective against pagan cults, minorities, and elites: bloody confrontations between pagans and small Christian communities in Madaurus (circa AD 390 and between 400 and 410), Sufes (AD 399), and Kalama (AD 408) were reported to the imperial court by the provincial bishops (not the representatives of the affected communities) by means of petitions with attached dossiers of evidence, and measures of redress were obtained from the court, not from the provincial governor.⁴²

The Christian tradition emphasizes the activity of imperial *notarii* and *comites*. These special delegates were dispatched to the provinces or cities from the court in possession of far-reaching executive powers. They proceeded against dissenting Christian groups with coercive means and closed their churches or cult sites; but these special officials must not distract us from the simple fact that violent imperial intervention in religious conflicts was very rare and scarcely began in the usual hierarchy of the imperial administration, particularly the local provincial governor.

Thus unfolded a religious revolution that the central administration decreed in ever-new proclamations and laws or believed it could regulate,⁴³ at times only at the initiative of a local bishop but at the cost of violence, bloody confrontation, and civic unrest. The most spectacular eruption of Christian-pagan violence in Late Antiquity—which entered the historiographical tradition of both sides as a paradigm of the conflict between the old and new religions, and which entered the cultural memory as the symbol of the ultimate decline of pagan cults in the empire—was the destruction of the Serapeum of Alexandria in AD 392. It was initiated by the bishop of the city, Theophilus. Until the very end, the imperial administration merely watched the unrest, which resembled a civil war, and the Christian destruction of the sanctuaries. Theophilus first provoked the pagan population of the city by exposing and deriding old cult objects. He then exploited the resulting pogrom-like atmosphere to wage a campaign of devastation against the Serapeum and further sanctuaries of the city, mobilizing civic Christians and monks from nearby Nitria to carry it out.

No imperial edict authorized this massive anti-pagan campaign and the destruction of the material basis of the pagan cults of Alexandria (though such authority was later claimed in the Christian tradition).⁴⁴ The bishop nonetheless

42 See Hermanowicz 2008 (2004).

43 Theodosius II remarks in a striking manner in AD 423 (*Cod. Theod.* 16.10.22): *Paganos qui supersunt, quamquam iam nullos esse credamus, promulgatarum . . . iam dudum praescripta conpescant*. “The regulations of constitutions formerly promulgated shall suppress any pagans who survive, although We now believe that there are none.”

44 On this and the following, see Hahn 2008, 335–366, esp. 340–345. On the chronology important here, 368–383.

succeeded in persuading the leading imperial officials of the cities either to collaborate or do nothing. The excesses of violence and destruction had already subsided when a message from the court arrived ordering an end to the violence and attempted to dispel the atmosphere of civil war. The emperor could neither prevent nor condone the attacks, plundering, and destruction, which stood in crass contradiction to recent legislation and poisoned the political atmosphere among the religious groups in Alexandria. The local church had not merely disposed of powerful rivals that had been deeply rooted in urban life—the established civic cults. It had also exploited the temporary state of *stasis* to make an enormous gain of power, resources, and converts in the metropolis. The violent, irrevocable Christianization of the Egyptian metropolis by the church under the leadership of their confident bishop ultimately proved that public authorities had virtually no means of resisting the deliberate radicalization of religious competition and escalation of the conflict on the streets by church leaders, who mobilized believers, clerics, and ascetics prepared to use violence.

The constant exacerbation of religious politics and its aggressive language, which promoted the increasing marginalization and criminalization of persons of different religious beliefs, abetted such changes in no trifling way: the Christian faithful who participated in the destruction of pagan sacred sites or in attacks on “heretics” or Jews must have assumed that they were acting in agreement with and under the protection of the imperial religious legislation. Toward the end of the fourth century, this dynamic of religious conflict and violence, especially on the part of Christian circles, was in many places impossible to check. Precisely in the great urban metropolises, the pressure of the street—or of radical members of the community—was a force that even moderate church leaders could not underestimate.⁴⁵

As urban Christian communities constantly grew and church infrastructure and organization ambitiously expanded, the authority and influence of the bishop on the local life of a community had long since ceased to be limited to spiritual leadership. His role as the contact person for civic magistrates and potentially for representatives of the regional imperial administration changed. Alongside the power of his word and the weight of his position, a church leader had at his disposal personnel resources as concrete means of exercising power in conflicts within the urban power structure—with opponents in the church,

45 In various sermons, some of which had been drafted and delivered in Carthage, Augustine found himself prompted to exert a moderating influence on the Christian population, which was agitated and partly ready for violence; cf. for example, Augustin. *Serm.* 24 (AD 401). See Brown 1964; Shaw 2011, 229–232.

rival religious groups, local *potentes*, or even high officials of the emperor. The extent of these resources varied greatly from city to city, but they could sometimes possess considerable clout. This potential recruiting ground was a force that not only local officials had to reckon with. Even the imperial administration in the great administrative centers of the East could be intimidated and neutralized by loyal, well-organized, and violent partisans of the bishop, drawn from the clergy, congregation, and monks. This development would have profound effects on the ambitions and exercise of power by the emperor and on the mechanisms of political life in the empire as a whole.

Once again, Egyptian Alexandria is the place where the ecclesiastical potential for violence—in the hands of a confident and unscrupulous church leader—can best be observed and analyzed. The weakness and even the helplessness of the imperial officials were revealed in the power struggle with Cyril (414–444) that erupted over the treatment of the religious minorities in the city—first the Novatians, then the Jewish population. The conflict was ostensibly a continuation of religious conflicts that Cyril had stirred up between 412 and 415, immediately after he had taken office, and violently “resolved.” But already the contemporary church historian Socrates recognized that “from that time (i.e., Cyril’s election) the bishopric of Alexandria went beyond the limits of its sacerdotal functions, and assumed the administration of secular matters.”⁴⁶

The conflict with the important Jewish segment of the population, which broke out over theater productions and was presented to the current *praefectus Aegypti* in Alexandria as a matter pertaining to public order, was exacerbated at the instigation of an urban cleric closely associated with Cyril. His public condemnation by the prefect and the humiliating reprimand and threats subsequently directed at the Jewish elders by the patriarch led to nighttime acts of violence against Christians by the enraged Jewish mob. Without waiting for the civic officials or the imperial prefect to intervene, the bishop (in an impressive act of mobilization, which illustrates how highly organized the Alexandrian church and its adherents were under Cyril) placed himself at the head of a Christian mob at dawn, seized the synagogues, and drove all Jews from the city. He gave their possessions to the mob to plunder. The smoldering power struggle between the patriarch and the prefect was now conducted in public; attempts at negotiations failed.

Cyril not only enjoyed the support of a Christian mob in this conflict, but in the coming conflicts he also mobilized a guard of toughs unconditionally loyal to himself—the veneer of religious conflict thereby rapidly wore thin.

46 Socr. *Hist. eccl.* 7.7.4.

Five hundred monks who had settled in the nearby wasteland of Nitria, “being transported with an ardent zeal, resolved to fight on behalf of Cyril,” moved to Alexandria and attacked the *praefectus Aegypti* Orestes in his carriage on the open street—first with insults, then with stones. Only the courageous intervention of the population saved this official’s life; his guard had abandoned him. Soon afterward, Christian thugs led by a *lector* of the church ambushed the esteemed philosopher Hypatia, gruesomely killed her, and dismembered her corpse before the main church of the city because she was on good terms with the prefect and the city magistrates and had opposed the reconciliation of the bishop and the prefect.⁴⁷

These episodes deserve a much more detailed discussion than is possible here.⁴⁸ The discrepancy between the bishop, who could exert force through his adherents systematically and comprehensively in different parts of the city, apparently *ad libitum*, and civic and imperial authorities, who were unable to resist and keep the peace with their own executive resources, casts a revealing light on the distribution and readiness of the real instruments of power in Alexandria. The altercations illustrated—whether with the tiny Christian community of the Novatians or with the large population of Jews—are foremost facets of a power struggle between Cyril and the secular institutions of the city for control of public life. The representative of the emperor, the *praefectus Augustalis* Orestes, seems here to be the chief opponent and victim. His only recorded reaction to the *de facto* rule of the bishop and ecclesiastics on the street consisted in the repeated dispatch of reports to the emperor. Immediately after the expulsion of the Jews and the attack on the prefect, the bishop in turn sent reports of his own to the court to present his versions of the riots. Thus, he was apparently able to neutralize the accusations raised against him.⁴⁹ The aggressive and provocative attitude of the patriarch before the imperial prefect (for which he met with resistance also in his church and in Alexandria) culminated in the elevation of the monk who had seriously injured the prefect with a stone and been seized by the people, delivered to the authorities, and executed, in the official list of local martyrs.⁵⁰ Without any doubt, the bishop

47 Socrates, the church historian and our most important source, closes his report of this act of violence with the reserved statement: “This affair brought not the least opprobrium not only upon Cyril, but also upon the whole Alexandrian church” (Socr. *Hist. eccl.* 7.15).

48 For an introduction, with extensive documentation and secondary literature, see Hahn 2004, 106–114.

49 Socr. *Hist. eccl.* 7.13.19 (apparently on the basis of the reports of Orestes und Cyril). Cyril blamed the Jews for the uprising and the outbreak of violence. There is no word of a penalty or rebuke of the bishop on the part of the imperial court. See also Haas 1997, 299–304.

50 Socr. *Hist. eccl.* 7.14.

even misrepresented the violent act of an ascetic and his own provocation of the imperial administration in terms of religious conflict and did not shrink from alleging a persecution of Christians. Not only before his own congregation but also before the imperial court, the patriarch propagated and legitimated the open conflict and the bloodshed that he himself had caused in his power struggle with the head of the imperial administration for dominance in the metropolis as religiously motivated and intended solely for the defense of the faith, the church, and its faithful.

A further aspect of the unscrupulous power politics of the patriarch must have seemed to the imperial court at least as alarming as the excesses of violence that he had apparently inspired and coordinated in the capital of Egypt: Cyril posed an extraordinary threat to public security and order in the metropolis not only because of the hordes of monks in nearby Nitria and fanatical members of his congregation; there were also numerous, capable men ready for street fighting within his own church organization, thus institutionalized and publicly tolerated. The *parabalani*—sick-bearers and caretakers in the service of the church⁵¹—are not named explicitly in any contemporary source as the men who were responsible for the massacre of Hypatia, but there are good reasons to assume that they were. An imperial edict issued twenty-two months after the murder of the philosopher makes explicit what disruptive potential this group of more than 500 men—organized as a *corpus*, considered part of the clergy (with corresponding privileges), and subordinate to the patriarch—embodied, and what a threat to the public life of the city (the text of the edict speaks openly of *terror*) emanated from this violent, ever-ready troop of the bishop.

The background of the imperial proclamation itself is more than unusual: the emperor flatly rejects an official petition, made by the patriarch and delivered by a delegation from Alexandria—apparently in favor of the *parabalani*, but of unknown content because of a lacuna. He qualifies the petition and its various requests as *inutilis*. At the outset, the emperor condemns the specific petition in no uncertain terms: “This claim was inserted in the petition of the delegation because of the terror of those who are called attendants of the sick” (*parabalani*). Next, before announcing further stipulations, he states, “Clerics shall have nothing to do with public affairs and with matters pertaining to the municipal council.”⁵² In the following, not only is the number of *parabalani* fixed at 500, their recruitment limited to the poor of the city, and the entire

51 Fundamental on the *parabalani*, Philippsborn 1950, 185–190; Schubart 1954, 97–101; Bowersock 2010; and now Hahn 2014 (in print).

52 *Cod. Theod.* 16.2.42 *praef.*

selection process placed in the control of the *praefectus Augustalis* (instead of the bishop) and put under review by the praetorian prefect, but this is also decreed on threat of penalty: "We do not grant the aforesaid attendants of the sick liberty to attend any public spectacle whatever or to enter the meeting place of a municipal council or a courtroom."

The harsh wording of this remarkable constitution makes crystal clear that not merely the street but all spaces of political life in Alexandria—from the theater to the courts to the sessions of the civic council—were plagued by this episcopal brigade of clerics, and the formation of public opinion and decision-making had been grossly manipulated through the threat or use of violence at the whim of the patriarch. It is illuminating that conditions in the Egyptian metropolis were not decried by the delegation from the council; indeed, it appears that a decree drafted by the bishop himself was represented to the court as a civic desire—in this way the *terror* reached all the way to Constantinople. But the imperial court, doubtless on the basis of the reports sent by the administration in Alexandria (not least from the *praefectus Augustalis* Orestes), had formed its own opinion of the prevailing security situation in the metropolis of Egypt and the resulting political conditions. But even the court—harsh words and decisive, effective administrative measures against the *parabalani* notwithstanding—did not dare to name the church or bishop, much less hold him responsible.⁵³

The *parabalani* as the loyal strike force or toughs of the bishop are by no means an isolated phenomenon of the early episcopate of Cyril or Alexandria. They are no more a phenomenon of the early fifth century, even if we can perceive them especially well here.⁵⁴ The broad institutional existence of such distinct groups of "roughnecks" in the pay of the church, usually numbering among the lower ranks of the clergy, should be recognized as a factor for the use or outbreak of "religious violence." While *parabalani* are attested only for Alexandria,⁵⁵ groups or persons with similar functions but different names operated in all the larger churches. Thus the bishop of Antioch could rely on strong men from the *corpus* of *lecticarii*, the pallbearers, in situations

53 Just sixteen months later, for reasons unknown, a large part of the restrictions proclaimed on September 29, 416, was withdrawn along with *Cod. Theod.* 16.2.43; the permissible number of *parabalani* raised to 600; and, most important, the troop was once again placed under the command of the bishop.

54 Cyril's successor, Dioscuros, numbered them in his entourage for the visit of the Second Council of Ephesus in 449; their vigorous support of the cause of their patriarch helped this council win the epithet *latrocinium* or "Robber Council." ACO 2.1.1.176. Cf. also a further relevant description, though without naming names, in ACO 2.1.2.51 (Council of Chalcedon AD 451).

55 An isolated late source (sixth/seventh c.) derives from Oxyrhynchos and lists the *parabalani* among other clergy (including *philoponoï* and gravediggers): *P. Iand.* 8.154. Cf. Haas 1997, 50.

of conflict.⁵⁶ Gravediggers (*fossores*) were indispensable in every church and ranked as lower clergymen.⁵⁷ In Rome, with its extensive Christian catacombs, which had been growing since the early third century, a large *corpus* of *fossores* existed. Pope Damasus deployed its members in the bloody confrontations with his competitor Ursicinus in the year 366. Across the empire, the ecclesiastical burial personnel and the lower clergy otherwise employed in caring for the poor represented an episcopal militia in an urban setting that could be mobilized easily at any time. The involvement of the bishop in the urban order was, thus, ambiguous: “The bishops are the controllers of the crowds, and anxious for peace, unless, of course, they are moved by some offence against God, or insult to the Church,” declares Ambrose of Milan before Theodosius I.⁵⁸ Neither the empire nor the emperor, but rather the church, and at the local level the bishop, claim the authority to decide when peace and order may reign in both religious and public life. On this reading, the secular order would be subordinate to religion; the emperor would have to acknowledge a higher, namely a Christian, power for the sake of the faith and the church and moreover yield to the counsel of a bishop.

From about the middle of the fourth century, Christian religious violence eroded the monopoly of the late-antique state on the legitimate use of force. This can be illustrated and observed nowhere better than in the fate of the Jewish population in the fourth and first third of the fifth centuries. The imperial religious policy here—with respect to tradition, self-understanding, ideology, influences, and efficacy—undergoes a veritable stress test. The fundamental positions, framework, and development of imperial policy and its local implementation may be observed over a span of decades on a broad basis of normative, narrative, literary, and archaeological sources. Study of the public protection of the Jews—and more specifically the synagogues—from Christian suppression and persecution in the years between AD 388 and 423 shows in striking fashion the failure of the late-antique state to implement its laws and the futility of the effort to enforce the explicit wish of the emperor in a specific local case. Various attempts to protect Jewish communities and synagogues from the attacks of the Christian mob or local church and its bishop in this period failed entirely. Due to the pressure exerted by those forces that had

56 Flemming/Hoffmann 1917, 118, 133. Life of John of Tella, in Brooks 1907, 55.

57 In Constantinople, since Constantine the church had employed over 1100 *decani* as gravediggers to bury the poor. Their numbers were reduced to 850 in the meantime, then under Athanasius built up again; further organizational and financial arrangements were also made. *Nov. 48 praef.*; cf. *Cod. Iust.* 1.2.9 and 11.18.1; cf. Hahn 2014 (in print).

58 *Ambr. Ep.* 40(32).6: *sacerdotes enim turbarum moderatores sunt, studiosi pacis, nisi cum et ipsi moveantur iniuria dei, aut ecclesiae contumelia.*

initially used violence against Jewish communities and property, the relevant legislation became meaningless and was ultimately adapted to the balance of power in the street. In consequence, the conditions of existence for the Jewish minority in the empire drastically worsened.

In the context of late-antique religious conflict, this outcome is of great importance—above all because under the Theodosian dynasty, within the shortest period of time, the state could no longer defend even uncontested and traditional religious guarantees and rights against attacks from within the ranks of the Christian Church, which had come to power (and an often unbridled will to power) in just two generations. Despite incipient restrictions, the legal situation of the Jews and Jewish communities under Constantine and his successors, based on centuries-old Roman tradition and legislation, was essentially secure and undisputed: Jews' right to practice their religion and their property (such as synagogues) were, along with limited legal autonomy and self-government, unassailable. The conversion of Christians—even slaves—to Judaism and mixed marriages were now prohibited, but the fundamental protection of the Jews' right to practice their religion was never abandoned in Late Antiquity.⁵⁹ Still, Christian-Jewish tensions that arose in individual places and regions—by no means in the whole empire—and were exacerbated by Emperor Julian's promotion of Judaism⁶⁰ exploded in open attacks on Jewish synagogues from the late 380s on. Shortly after the first such incident in Rome,⁶¹ the most notorious occurred in Callinicum on the Euphrates: at the instigation, if not even under the personal leadership of the local bishop, a Jewish synagogue, along with a meeting place of the heretical Valentinians, was attacked and burned down by monks and a Christian mob. Theodosius, who received notice of this serious breach of public order—which satisfied the description of *seditio*, an insurrection—from the *comes Orientis*, without hesitation ordered that the perpetrators should be punished, all stolen holy implements be restored, and the synagogue be rebuilt at the expense of the bishop, namely, the local church.⁶²

59 The best study—with reproduction and commentary of all relevant late-antique texts—is Linder 1987. See also Rabello 1980.

60 Christian authors mention, especially in connection with Julian's attempted restoration, various incidents of anti-Christian Jewish attacks in the eastern half of the empire, but these reports—often contaminated with outbreaks of pagan or heretical violence against "Catholic" communities—are problematic in their critical appraisal; Hahn 2002.

61 The destruction of a Roman synagogue in 387 or 388 (Ambr. *Ep.* 74[40].23) deserves mention because the usurper Magnus Maximus, whose religious policy unambiguously strengthened the orthodoxy opposed to heretical groups, sent an edict to Rome that outlawed violence against synagogues—and if we believe Ambrose, that cost him the support of the Christians in the ongoing civil war; cf. Noethlichs 1971, 182–188.

62 Ambr. *Ep.* 74(40).6–33 (CSEL 82, 2, 58–73) with the report. See Parkes 1934, 166–168, 187; Simon 1986, 226 ("the most famous and the most characteristic episode"); Fowden 1978, 67 and 77–78. There

It is not the attack in distant Callinicum per se that gives this confrontation such fundamental importance for the present study; it is the vehement apologia by Ambrose, bishop of the imperial city Milan, delivered in a sermon before the emperor and later sent to him by letter, the subsequent reversal of Theodosius, and his retreat from the punitive measures that he had already ordered. The illegal use of violence against the synagogue of Callinicum may be viewed as representative of the countless other cases of (principally Christian) attacks on cult sites, groups, and practices, which had increasingly determined the religio-political climate in the empire for decades.⁶³ The highly rhetorical exposition of Ambrose in particular presents the first blatant, systematic Christian justification of the use of violence against other religious groups and their cult sites. At the same time, Ambrose challenges the right and duty of the state to suppress and punish every uprising with the means at its disposal. Indeed, in the case of “justified” Christian violence, he fundamentally contests the right of the ruler to interfere. Ambrose declares the violence against the Jewish synagogue a commandment of the Christian faith, a question of religion that trumps the imperative of the state for public order: *Sed disciplinae te ratio, imperator, movet. Quid igitur est amplius? Disciplinae species, an causa religionis? Cedat oportet censura devotioni*—and in a later passage he evokes *leges Romanae* in the sense of public order.⁶⁴ To force the bishop of Callinicum to rebuild the destroyed synagogue—defamed by Ambrose as *perfidiae locus, impietatis domus, amentiae receptaculum, quod Deus damnavit ipse*—would amount to making him either an apostate, if he obeyed, or a martyr, if he refused and were punished.⁶⁵ By claiming to have given the command himself instead of the local bishop and by thus taking responsibility for the burning of the synagogue, Ambrose transforms this act of destruction on the

is an excellent study by Palanque 1933, 205–227. On the synagogue destruction of Callinicum in 388, see most recently Gotter 2011, whom my analysis here follows in part.

63 For the relevant material, see above all Trombley 1993–1994; Hahn 2004; Gaddis 2005; Hahn et al. 2008; Isele 2010.

64 Ambr. Ep. 74(40).11: “But perhaps, the cause of discipline moves you, O emperor. Which, then, is of greater importance, the show of discipline or the cause of religion?”—characteristically Ambrose (ibid. 23) condemns the intervention of the usurper Magnus Maximus in Rome, after the local synagogue was burned down, with the words *quasi vindex disciplinae publicae* (“allegedly vindicating public order”). Ambrose follows up the accusation that the Jews arbitrarily ignored Roman *leges* with the rhetorical question (Ep. 74[40].21): *ubi erant istae leges, cum incenderent ipsi sacratarum basilicarum culmina?*—“Where were those laws when they themselves set fire to the roofs of the sacred basilicas?”

65 Ambr. Ep. 74(40).7: *Necesse erit igitur ut aut praevaricatorem aut martyrem faciat: utrumque alienum temporibus tuis, utrumque persecutionis instar, si aut praevaricari cogatur, aut subire martyrium. Vides quo inclinet causae exitus.* Cf. the pointed conclusion of Poinssotte 2001, 46: “L’argumentation (§§ 8–10), passant du plain du droit des gens à celui du droit divin, développe le motif du martyre *ab absurdo*.”

distant Euphrates into a principal question of faith. He defines what occurred in Callinicum as a legitimate religious conflict with legitimate Christian use of force to ensure the true faith and refuses to describe it as a case primarily affecting the political order or as a genuinely secular problem that the emperor might “legally” solve with his monopoly of force. The right of the emperor to enforce order and exact obedience runs against a higher power: “God is feared more than men, Who is rightly set before even emperors. . . . deference should be paid to God, and He should be preferred to all.”⁶⁶

The conflict between Theodosius and Ambrose, the emperor and his bishop, over the treatment of the Christian attackers of Callinicum and the restoration of the destroyed synagogue, which ended with the retraction of all the imperial proclamations and the virtual acquittal of the perpetrators, illustrates one more thing: the emperor, the *pontifex maximus* of the pagan empire, who as ruler not only stood under the protection of the gods but was also their pre-eminent sacred intermediary and the priestly mediator of their goodwill toward the empire and humanity, now finds himself in a wholly different power balance and a wholly different role, which would have profound consequences on his authority and understanding of his position as ruler. A bishop, a Christian priest, on his own cognizance confronts him now as the authoritative interpreter of the one God and, because he follows only the commandments of God (*mandata*) in his actions,⁶⁷ as the virtual mediator of God’s authority and mercy; and he declares to Theodosius that as a good Christian (and Christian ruler) he should heed the warnings of his bishop for his own good (and for that of the empire). It is no coincidence that Ambrose warns the emperor that he may forfeit his God-given invincibility if he should disregard those warnings, and he reminds Theodosius of the recent victories of his latest campaigns, which are owed to Christ himself. In the rhetorical elaboration of his blatant contradiction of Theodosius’ reaction to the events in Callinicum—and in the context of the justification of Christian violence against persons of different faiths—Ambrose develops the principles of a political theory that would blossom in the future and have its powerful historical effect in later centuries.

Ambrose may have prevailed in all respects in the controversy over Callinicum,⁶⁸ but the problem of public violence and order was by no means solved—if indeed the triumph of the bishop did not lead to violent acts in

66 Ambr. Ep. 74(40).28: *caeterum plus hominibus Deus timetur, qui etiam imperatoribus iure praefertur . . . deferendum Deo, et eum praefерendum omnibus. . . .*

67 Ambr. Ep. 74(40).3: *. . . Non ergo importunus indebitis me intersere, alienis ingero: sed debitis obtempero, mandatis Dei nostri obedio. Quod facio primum tui amore, tui gratia . . .*

68 Ambrose later wrote to his sister that he had been able to achieve everything he had attempted: Ambr. Ep. extra coll. 1(41).28.

imitation in many places. Numerous attacks on synagogues in the following years, especially in the East, are attested before AD 423.⁶⁹ On September 29, 393, Theodosius issued a law in his and his sons' names, which succinctly stated that no law prohibits the Jewish religion, that the prohibition of Jewish meetings was forbidden, and above all that those *qui sub christianae religionis nomine illicita . . . destruere synagogas adque expoliare conantur* would be prosecuted with all severity.⁷⁰ The destruction, confiscation, and conversion of synagogues into churches had become such a widespread phenomenon that a specific administrative and empire-wide clarification and process seemed necessary to check the attacks. But the six laws⁷¹ of identical or similar content that followed close on one another in the years thereafter make all too obvious that this hectic legislation was ineffective—a fact that is attested precisely and impressively even in archaeological finds from Syrian Apamea (as well as in Macedonian Stobi).⁷² The centrally located, spacious synagogue, which was still adorned with beautiful floor mosaics in AD 391, was razed to the ground shortly after the turn of the century; a church was erected on the site, whereby the centuries-old, traditional Jewish holy site was not only erased but also triumphantly overwritten.⁷³ The series of laws cited earlier shows only a reactionary legislative effort of the Roman state: the imperial court is moved by the petitions of the affected Jewish communities or their patrons to affirm again and again the known legislation (also pertinent in civil law), which declares the inviolability of the synagogues. But what emerges most clearly is the inability of the court to implement this norm locally against aggressive Christian or indeed ecclesiastical circles and the futility of the effort to protect the synagogues effectively from attacks, destruction, and even confiscation. The legislation is racing to catch up to reality in the places affected—and it generally lacks the means of enforcement against the resistance of local powers. In Syria, the vociferous protests of the church force the court in June 423 to suspend the last protection law

69 A compilation of references to anti-Jewish outbreaks of violence and the destruction of synagogues can be found in Juster 1914, vol. 1, 464 n. 3; Cracco Ruggini 1959, 205–207; Parkes 1934, 187, 212–214, 230, 236–238, 250–251. For the transformation of the synagogue of Apamea into a Christian church, see following text. The destruction of synagogues by the Syrian monk-leader Barsauma in Palestine in the first half of the fifth century is recorded only in a few paraphrases of the extensive *vita* (which I plan to edit together with Volker Menze and Andrew Palmer): Nau 1913, 272–276, 379–389; 1914, 113–134, 278–289; Nau 1927.

70 *Cod. Theod.* 16.8.9.

71 They are *Cod. Theod.* 16.8.12 (June 17, 397); *Cod. Theod.* 16.8.20 (July 26, 412); *Cod. Theod.* 16.8.21 (Aug. 6, 420); *Cod. Theod.* 16.8.25 (Feb. 15, 423); *Cod. Theod.* 16.8.26 (April 9, 423). On these laws, see Linder 1987 *passim*, as well as Rabello 1980.

72 Millar 1992, 100: synagogue destroyed before the end of the fourth century and replaced by a church.

73 Brenk 1991; Noy 2007.

for the diocese Oriens.⁷⁴ There exists, however, no recorded case in which effective protection was given and a synagogue was secured from a Christian mob or the Roman army intervened. No violent attack is known in consequence of which punitive measures were applied rigorously in accordance with the law. Moreover, the wording of that series of protection laws attests to how greatly the religio-political climate had changed to the disadvantage of the Jews over that short time, and how anti-Judaic sentiment set the tone of the imperial decrees ever more.⁷⁵

The limits of imperial action against Christian perpetrators of religious violence were vividly illustrated to the population of the empire in the spectacular confrontation between Ambrose and Theodosius in Milan AD 388 over the reaction to the events in Callinicum. For the first time, a publicly recognized justification of the legitimacy of Christian violence against cult buildings of Jews and the unorthodox was offered. The powerlessness of Christian rulers, their inability to enforce their monopoly of force and the executive power of the empire against any form of public disturbance, and so also against religiously motivated violence, was manifest from now on. The momentum that this paradigm shift would gain is breathtaking: a religious community that had been respected, privileged, and protected for centuries was marginalized within a few decades, robbed of its meeting and cult sites with naked force, and increasingly driven from the public face of their cities, if not expelled from them, as were the Alexandrian Jews by bishop Cyril.

If Constantine and his successors up to the Theodosian dynasty had hoped their conversion to Christianity, their massive promotion of the church, and the establishment of a Christian state religion would strengthen their position as absolute monarchs and give the empire a new ideological basis that would stabilize its society and their rule, they were—from the perspective of the problem treated here—fundamentally mistaken. The disappearance of the imperial cult, previously instrumental for imperial relations with local elites and subjects in the provinces, made the religiously based integration of monarchic rule in local societies obsolete. Above all, the disappearance of the

74 The legislation to provide protection or compensation for synagogues seized by Christians, initiated by the pretorian prefect Asclepiodotos in AD 423 (*Cod. Theod.* 16.8.25–27) met with bitter protests in Antioch: Symeon the Stylite pressed Theodosius II with a threatening letter and won the annulment or suspension of the law. *Vit. Symeon.* 130–131 (Hilgenfeld, 174–175); Evagr. *Hist. eccl.* 1.13.

75 The wording of *Cod. Theod.* 16.8.26 (April 9, 423) is especially instructive, which is nakedly aggressive and threatens penalties for the circumcision of non-Jews alongside the order for protection. Millar 2004 emphasizes the increase of Jewish-Christian tensions, provocation, and violence—and the corresponding defamation or rumors—that characterized the local coexistence of religious communities at least in Syria.

imperial cult robbed the emperor of his omnipresence in public occasions as the active mediator and guarantor of divine favor and moreover as a privileged cult object in sacred life and in the monumental landscape of every single community of the empire. The conversion of Constantine entailed no less than a comprehensive desacralization and delegitimation of the emperor in the field of religion. But that was not all: the area of religion gained unprecedented autonomy, stubbornly removed itself from imperial control and authority, and became increasingly defined and supplied by the church and the prerogative of the bishops. The growth of the Christian Church itself, the formation of an efficient church organization, and its claim to authority, which soon extended beyond the purview of religion, created decisive conditions for the increase of religious and social polarization and the outbreak of serious conflicts in cities and rural communities. But these conflicts, which were carried out under alleged or pretended religious motives, often reflect, as can be seen, personal ambitions, and they equally indicate economic interests and social tensions that could now find legitimate expression in the Christian empire. The disruptive, disintegrating potential of religious conflict in the public life of Late Antiquity is obvious—but the legitimation of Christian violence, even in contradiction with the imperial monopoly of force and the indisputable primacy of the public peace, and its eventual toleration by the emperors counts among the groundbreaking events of the religio-political discourse that was dictated by the church in the context of the Christianization and religious controversies of the fourth century. The phenomenon of religious violence, which is a symptomatic trait of Late Antiquity—and in particular the fourth and early fifth centuries—marks not only a profound threat to public life in this era. It also articulates an extraordinary challenge to the self-understanding of the emperors and the imperial order: for the *pax Augusta*, for the ideology of the rulers, and for imperial politics.

The Famous 'Altar of Victory Controversy' in Rome

The Impact of Christianity at the End of the Fourth Century

RITA LIZZI TESTA

THE CONFIDENCE THAT A PART OF ROMAN ARISTOCRACY DID NOT remain inactive in the face of the anti-pagan measures at the end of the fourth century dominated most of modern historiography. It is rooted in the studies of the twentieth century because of the conviction—typical in a climate of cold war—that great ideologies can polarize the collective imagination by dividing the world into power blocs.¹ Building largely on the accounts of Christian sources and particularly of Rufinus of Aquileia,² the conflict between pagans and Christians was seen everywhere: in the spread of contorniates, in the restoration of public buildings and temples, in the *taurobolia* celebrated in the inscriptions of the Vatican *Phrygianum*, and in the celebration of the Classical and pagan past in the *Saturnalia*. To the aristocratic reaction were attributed not only forms of propaganda and ideology but also of pronounced political opposition, like the encounter that took place at the River Frigidus between the forces of Theodosius and the “last pagan army of the ancient world.”³

Although this idea still dominates the handbooks and is even present in works for wide readership, in specialist studies it has been slowly eroded by many qualifications and by a new critical assessment of the sources. There has arisen a pronounced skepticism about the possibility that the literary sources can actually permit us to recover the ideals of the last pagans.⁴ The great aristocrats of Rome have been portrayed as *otiosi rentiers*, more concerned about their own leisure than the functioning of the empire or the care of ancient

1 Lizzi Testa 2009a, 168–169; Brown 2011, 17.

2 Rufin. *Hist. Eccl.* 31–33.

3 Alföldi 1943: its fourth chapter has been re-published (Alföldi/Alföldi 1990) without substantial changes: see, in the volume, Cameron 1990, 63–74; and at the same time Bloch 1945, 236; Bloch 1968, 209; Piganiol 1972, and following in his steps, Chastagnol 1960, 157–160; for a more balanced perspective, already Cracco Ruggini 1972; already Cracco Ruggini 1979.

4 For instance, reflecting the new habit of a new historiographic generation, Cameron 1977.

books.⁵ Julian's attempt to restore paganism has been shown to reveal a substantial political and historical inconsistency.⁶ Already at the end of the 1980s, the *réaction païenne* appeared to be nothing more than a cultural dispute, and the paganism of the aristocracy was read as "generic traditionalism," at best useful for reinforcing the identity of a certain class.⁷

With only a few exceptions, the most recent analyses follow this orientation and find a confirmation of the waning religious fervor of the last pagans also in the fact that these promptly abandoned the religious colleges that they had controlled up to that time even by duplicating their affiliations, shortly after public financing for the cult had been cut in 382 and expressions of paganism forbidden.⁸

Without entering into the survival of the colleges and the Roman *sodalitates* after the end of the fourth century—which is difficult to demonstrate in the absence of epigraphic testimonies and, nevertheless, credible on the basis of a number of indications⁹—the continuation not simply of cryptopaganism but also of public paganism would seem to be undeniable: a paganism that still in the fifth century was expressed in ceremonies and civic festivals whose specific significance had been to assure the *pax deorum* for the cities.¹⁰ This alone should lead us not to negate completely the historiographic concept of a *réaction païenne*: it was this sort of reaction that assured sufficient space to those who, while still pagan, had the possibility of expressing their own religious identity for almost two more centuries despite the dominance of Christian thought.¹¹

Such a reaction manifested itself in a less overt manner than the Christian authors would have us believe: it took on forms that had the weight of political strategies. Polytheist religion was, in fact, an expression of politics and an essential form of public life.¹² The results were not, however, simply political, so that any interpretation that privileges the political dimension of events from the end of the fourth century is simply reductive, for it doesn't accept the profound difference between the two systems of values that opposed one

5 Matthews 1975, 1–31, Cameron 2002, and now, more recently, Cameron 2011, 421–526, on which Cracco Ruggini 2013, 109–121.

6 Bowersock 1978, but see now the papers by Hahn, Fatti, Drijvers, collected in Brown/Lizzi Testa 2011, 109–162.

7 A reassessment of Julian's political dimension appeared necessary twenty years ago (Marcone 1987), but it cannot now be the only aspect under consideration.

8 Cameron 1999b, 109–211, and Paschoud 2001b, but see Hedrick 2000, 47–54, and Lizzi Testa 2009b.

9 Rüpke 2008, 57–66. See now Orlandi 2011 for a complete review of the aristocratic affiliations; apart from the epigraphic evidence, other sources can be evaluated for the survival of pagan colleges after the end of the fourth century: Lizzi Testa 2010.

10 Belayche 2007 and McLynn 2008; with a partially different perspective, Lizzi Testa 2009b.

11 See, in this context, the important contribution of Brown 2000.

12 Lepelley 2002 and Lepelley 2011.

another (one being civic-religious, the other Christian-clerical). A good example for my argument is, I believe, the way in which the Roman senate reacted to the anti-pagan measures of Gratian between 382 and 384: the articulation of this reaction, universally known as the "altar of Victory controversy," offers an interesting case study for investigating in detail the forms assumed by the *réaction païenne* of senators in Rome during the final twenty years of the fourth century.

The controversy started soon after the measures introduced by Gratian in 382. Their very essence, however, has become the subject of recent discussion. These had been considered provisions of a universal character by the majority of scholars, but a re-reading of the sources has forced us to conclude that they were issued not in a general law, valid for the entire empire, but rather under the form of one or more rescripts that pertained only to Rome.¹³ With this legislative instrument, furthermore, Gratian did not abrogate the immunities of all the Roman colleges, he did not block the financing of all public sacrifices, nor did he confiscate all of the *fundi templorum* throughout the empire, but rather he removed certain important privileges from the Vestals alone: *stipendium castitatis*, *vacatio muneribus* (immunity from certain fiscal obligations), *victus modicus* (also defined as *alimenta* or *annona*), and the right of the college to inherit lands from private individuals.¹⁴ Furthermore, he had the altar of Victory removed from the *curia* of the senate, as Constantius II had already ordered without lasting success.¹⁵

Although these provisions of Gratian were limited to the removal of the altar of Victory and the abolition of the economic privileges of the Vestals, they aroused an immediate reaction in the senate. This reaction was the first act of the controversy. In the same year,¹⁶ an embassy led by Q. Aurelius Symmachus was sent by vote of the assembly, but it was denied an audience through the *perfidia* of certain individuals "who feared that justice might be done to these requests";¹⁷

13 Ambrose himself specified that pagans' privileges had been abrogated in Rome by rescripts: Ambr. *Ep.* 72(17).5: *Sed haec (scl. privilegia) si iam sublata non essent, auferenda tuo imperio comprobarem. At cum per totum orbem a pluribus retro principibus inhibita interdictaque sint, Romae autem a fratre clementiae tuae, augustae memoriae Gratiano, fidei verae ratione sublata sint et datis antiquata rescriptis, ne, quaeso, vel fideliter statuta convellas vel fraterna praecepta rescindas.*

14 This is the result of a new examination of the main sources on the question: Ambr. *Ep.* 72(17) and 73(18); *Ep. extra coll.* 10(57) sent to Eugenius in 394, and the short reference in *De obit. Valent.* 19; Symm. *Rel.* 3; cf. Lizzi Testa 2007a. Notwithstanding Cameron's critics (Cameron 2011, 41–43), these conclusions had been accepted by Brown 2012, 103–109.

15 Constantius II removed the altar (Symm. *Rel.* 3.4 and Ambr. *Ep.* 73[18].32), but it must have been replaced immediately after the emperor left Rome, or during the reign of Julian.

16 Ambr. *Ep.* 72(17).10 said in 384: *nam et ante biennium . . .*

17 PLRE 1, 865–870 (s.v. Q. Aurelius Symmachus signo Eusebio 4). Symmachus was the head of embassy already in 382: Symm. *Rel.* 3.1 (*senatus amplissimus scl.*) *iterum me querellarum suarum iussit esse legatum. . . . Cui ideo divi principis denegata est ab improbis audientia quia non erat iustitia defutura . . .*

Ambrose confirms indirectly that the legation had not been received at court and had only attempted to present its requests.¹⁸ Both the bishop and Symmachus even agree that not the entire senate had voted to send the legation. Symmachus actually highlights that in 384 the agreement in the assembly had been unanimous, while in 382 some had hoped to prevail on others in obtaining the favor of the court.¹⁹ Ambrose affirms in more explicit fashion that in 382 the Christian senators had not approved the sending of the embassy.

The passage is very useful for understanding the orientation of the different groups of senators:

But you can't say that it was the senate that advanced such a request (that of 384): a few pagans are abusing the designation "common." Indeed, it has been now about two years, since they attempted to ask for the same things and the venerable Damasus, bishop of the holy Church of Rome, elected by the will of God, sent me the letter that they signed and addressed to him: a letter in which the above mentioned senators declared that the Christian senators, by the way a great number of them, had not given anyone the task of carrying out this mission; they were by no means in agreement with these requests from the pagans; they denied their assent to this sort of petition and, on the contrary, protested, officially and in private, that they would no longer set foot in the *curia* if such a decision were taken.²⁰

The expression *libellum quem Christiani senatores dederunt et quidem innumeri* gives no indication of the number of Christian senators who sat in the senate. It indicates instead that not all the Christian senators signed the *libellus*, nor did the majority do so, but rather a large number signed it. Quite apart from the number of Christian signatories, it is their behavior that arouses our interest:

But could someone ask why those senators never intervened in the session in which these requests were formulated. Now, those who did not participate at the session expressed quite clearly their own wishes: those who spoke with the emperor expressed it with sufficient clarity. And are

18 Ambr. Ep. 72(17).10: *cum hoc petere temptarent* . . .

19 Symm. Rel. 3.2: *Nulla est hic dissensio voluntatum, quia iam credere homines desierunt, aulicorum se studio praestare, si discreperent.*

20 Ambr. Ep. 72(17).10: . . . *Sed absit ut hoc senatus petisse dicatur: pauci gentiles communi utuntur nomine. Nam et ante biennium ferme cum hoc petere temptarent, misit ad me sanctus Damasus, Romanae Ecclesiae sacerdos iudicio dei electus, libellum quem Christiani senatores dederunt et quidem innumeri, postulantes nihil se tale mandasse, non congruere gentiliū istiusmodi petitionibus, non praebere consensum, questi etiam publice privatimque se non conventuros ad curiam si tale aliquid decerneretur* . . .

we supposed to be surprised about the fact that those who are taking away from citizens the freedom to remain faithful to their own sentiments are the same people who wish to deny freedom to you as well by making you adopt provisions that you wouldn't do of your own accord?²¹

Those who cooperated to the sending of a *libellus* to the emperor thus had not signed on to the deliberations of the assembly, because they weren't even present in the senate at the moment of the vote.

It is difficult to understand from the allusiveness of Ambrose why they were absent. One could suppose that the Christian senators were not the most assiduous in attending the senate. However, one must keep in mind that these wrote a letter to the emperor immediately to explain the fact that some were traveling to court to speak there in person. Furthermore, the fact that they weren't present in the assembly during this incriminating session was described by Ambrose as compromising the freedom of Christian senators to remain faithful to their own opinions. The totality of these motives might indicate that the group favorable to the restoration of the altar had had recourse to a lobbying strategy in order to obtain the majority by organizing the vote on a day when they knew they would be able to achieve it.

From this, one can understand the reaction of many Christian senators when they realized that they had been kept in the dark about the agenda of this session, and Damasus explained to them that the subject was of vital importance for the integrity of their faith.²² These Christian senators prepared a document for the emperor and gave it to Damasus so that the bishop of Milan could forward it to Gratian before the embassy itself arrived at court, affirming that the document brought by the ambassadors was not representative of the vote of the entire assembly.

We do not know what criteria the *magister officiorum*, endowed with the *ius admissionum*,²³ could have used to grant or deny an audience to the embassy,

21 Ambr. Ep. 72(17).11: . . . Sed fortasse dicatur, cur dudum non interfuerint senatui cum ista peterentur. Satis loquuntur quid velint qui non interfuerunt: satis locuti sunt qui apud imperatorem locuti sunt. Et miramur tamen si privatis resistendi Romae eripiunt libertatem, qui nolunt esse liberum tibi non iubere quod non probas, servare quod sentis?

22 From Ambr. Ep. 72(17).10, we can understand which kind of topics Damase used to persuade Christian senators to sign an additional petition: *Dignum ergo est temporibus vestris hoc est Christianis temporibus, ut dignitas Christianis senatoribus abrogetur, quo gentilibus senatoribus profanae defertur voluntatis effectus?*

23 The *officium admissionum* of Late Antiquity stemmed from a similar institution of the high Empire: Schmidt 1893, 381–382; Seeck 1893a, 382; Seeck 1893b, 382–383. During the fifth century, the *Notitia Dignitatum* (Occidentis 11.13; Orientis 9.16) describes the hierarchical subordination of *magister admissionum* to the head of his office, the *magister officiorum*, but we do not know when, during the fourth century, this dependence became stable. At that time, the *magister admissionum* became a simple executor of the ceremonial without real responsibilities in the choice of people who could be

nor would it have been permissible to refuse to listen to the representatives of an institution like the Roman senate. We do know the connections that guaranteed access to audiences,²⁴ but not the motives one could offer to deny one: the *magister officiorum* was the first filter between the sovereign and the embassy, who communicated the reasons for the audience by relaying them to the emperor. If permission was granted, a whole series of formalities were prescribed and codified that would then occur.²⁵ As to the criteria for admission, the *Codex Theodosianus* reserves one rubric to the regulation of embassies, but the norms here are addressed to provincial functionaries and to praetorian prefects, with the intention of limiting visits to the court from too many legations.²⁶ The sources, at any rate, record few instances in which an embassy was refused access.²⁷

We can imagine that the Christian senators acted much like the *comes Africae* Romanus once did. To avoid the official exposé prepared by the citizens of Lepcis that would have informed Valentinian I about his wicked conduct, he went to the emperor and promptly sent a courier to the *magister officiorum* Remigius, who was his relative, asking for help. The courier succeeded in outpacing the legation and Remigius prepared a *relatio* that called into question its testimony. In this instance, Romanus' plan failed: Valentinian I admitted the legates, listened to both reports, and promised (at least) a regular inquest.²⁸ In 382, by contrast, the Christian senators, aided by Damasus and by the speed with which Ambrose intervened before the *magister officiorum*, succeeded in preventing their own colleagues from gaining an audience. It is not necessary to ask why the request of 382 was rejected. In fact, there was no debate.

The rationale deployed by the *magister officiorum* to delegitimize the senatorial embassy might have carried political weight without any technical validity, for voting on decrees in the senate required only a simple majority, presumably only of those present.²⁹ The interference of Christian senators at

received at court. Anyway, protocol provided that the emperor grant an audience to his guests behind a *velum*: they were introduced to him by the *magister admissionum*, whose role was purely accessory even if very prestigious (Lucif. *Moriendum esse pro dei filio* 1; Amm. Marc. 15.5.18; cf. Szymusiak 1987, 93 n. 1; Teja 1996, 623). It was the *magister officiorum*, instead, who had the function of receiving embassies and keeping the relationships with foreign delegations, with simple citizens, or senators: Cass. Var. 6.6.2.

24 Maen. fr. 55.

25 *De cerim.* 1.87–90 illustrates the evolution of those formalities.

26 *Cod. Theod.* 12.12 *de legatis et decretis legationum*.

27 Amm. Marc. 26.5.7 remembers that a German delegation refused to continue the ongoing negotiations because the gifts that had been offered to them were too poor.

28 Amm. Marc. 28.6.4–9; PLRE 1, 768 (s.v. Romanus 3).

29 Cecconi 2002, 281, with bibliography. Actually, *Cod. Theod.* 6.2.13 in 383 allowed senators to reside elsewhere than in Rome and in Constantinople.

the court by means of the *libellus* that Ambrose gave to the *magister officiorum* is also reported by Symmachus at that point where he alludes to the fact that in 384 "one had ceased to believe that, by creating their own party, they would be able to prevail over the others in obtaining the favor of the Court" and above all when he defined as *improbi* those who prevented the embassy of 382 from being received by the emperor.

It has been suggested, rightly I believe, that the sentence that can explain the allusion to the *improbi* was the very one in which, immediately afterward, Symmachus emphasized: "with good reason the senate is pursuing those who put their own power ahead of the good reputation of the emperor, for it is our concern to be on the lookout for your defense."³⁰ Elsewhere, in fact, Symmachus recalls that Gratian's *magister officiorum* of 382–383, Macedonius, had fallen into disgrace immediately after the death of the emperor and had been sent to Rome under escort, together with his accomplice Ammianus, to be judged by the quinqueviral tribunal of senators headed by the urban prefect:³¹ the senators who voted for the embassy succeeded in avenging themselves, but their requests had still gone unheard.

Once Gratian was gone from the scene and those immediately responsible for the *exclusa legatio* as well, in 384 the question was revisited in the senate. This was the second act of the controversy. And this time the pagan senators acted in such a way as to attain broader goals without organizing any lobbying actions. One window into the new scenario that opened up at the time is offered by certain key terms that recur in both the third *Relatio* and the letters of Ambrose. The latter, reporting in his letter to Eugenius the *querelle* that developed around the altar, argued that Symmachus had presented an exposé to Valentinian II in order that *ornamenta* might be restored to the temples that had been removed from them: "Symmachus, a *vir illustrissimus*, being prefect of the city, had presented an exposé to Valentinian II of reverend memory, asking him to restore to the temples what had been removed from them."³² And, claiming to paraphrase the words of Symmachus in the second letter to Valentinian II he reports: "But, he says, it is necessary to restore the altars to the idols, the *ornamenta* to the temples."³³ Of course Ambrose was used to speaking in general terms, so one

30 Symm. *Rel.* 3.2: *Merito illos senatus insequitur, qui potentiam suam famae principis praetul-erunt; noster autem labor pro clementia vestra ducit excubias.* Cf. Vera 1981, 27.

31 *Rel.* 36; Vera 1981, 277–280. Q. Aurelius Symmachus was very hostile to him: cf. *Rel.* 44.1, where Macedonius is shown as a minister corrupted by some corporates (the salines' contractors) of Rome: Vera 1981, 323–330.

32 Ambr. *Ep. extra coll.* 10(57).2: *Retulerat vir amplissimus Symmachus cum esset praefectus urbi ad Valentinianum augustae memoriae iuniorem, ut templis quae sublata fuerant reddi iuberet.*

33 Ambr. *Ep.* 73(18).10: *sed vetera, inquit, reddenda sunt altaria simulacris, ornamenta delubris.*

is forced to add concreteness to these sentences by comparing them with what Symmachus affirms in his *Relatio*: “We even grant that our fear of a dire presage is unjustified: nevertheless, one ought not remove a traditional *ornamentum* from the *curia*.”³⁴

It is clear that Ambrose was referring to the altar of Victory that had been removed from the Curia. Just as in fact the statue of Victoria could be defined as an *ornamentum*, the senate chamber was a *templum*. Indeed, according to Varro, for the deliberations of the senate to have full judicial force, its meetings had to occur in a place that had been inaugurated.³⁵ The sources indicate no less than sixteen places where the senate met in the Republican era, whether inside or outside the *pomerium*; some of them were used regularly, others only in exceptional cases: the temple of Jupiter Capitolinus, those of Concordia, Bellona, Castor and Pollux, Apollo, the *Atrium Libertatis*, the Curia of Pompey, and that of Octavius.³⁶ The *curia Iulia*, from which the altar and/or the statue had been removed was of course regarded as a *templum*, since it was the senatorial meeting place par excellence which, from 44 BC onward had replaced the *curia Hostilia* next to the *comitium*. Like any *templum*, its *ornamenta* needed to be replaced: Ambrose himself speaks of *ornamenta delubris*.

Since the first part of the phrase cited by Ambrose (*sed vetera, inquit, reddenda sunt altaria simulacris*) would seem to refer only to the altar, scholars have been uncertain as to whether in 382 the altar had been removed but the statue left behind or perhaps both had been removed.³⁷ The words reported by the bishop, however, do not summarize the request advanced in the senate, nor in this case did he render the object of the request in the plural simply to emphasize the situation. I think that he was confusing the content of the final deliberation of the senate, reproduced in the *Relatio* (*ornamentis saltem curiae decuit abstineri*), with the content of a recent measure of Valentinian II, which had ordered the praetorian prefect of 384, Vettius Agorius Praetextatus, to investigate the spoliation of materials from the temples and other public buildings. This overlap of Ambrose was due to the fact that the text had been

34 Symm. *Rel.* 3.4: *Quodsi huius ominis non esset iusta vitatio, ornamentis saltem curiae decuit abstineri.*

35 So Varro in Aul. Gell. *Noct. att.* 1.7.7.

36 Bonnefond-Coudry 1989, and for the empire, Talbert 1984.

37 On the origin of the statue and the altar, Vera 1981, 30–31. For the possibility that only the altar had been removed, Lassandro 1989, 446–448; Gnilka 1991, 33–40; Evenepoel 1998–1999, 284 n. 3, believes that it was impossible to separate the architectural complex.

sent from the court as an appendix, together with the *Relatio* of Symmachus that had been requested by him.³⁸

The two questions had in fact been put in relation to one another, as J. R. Palanque had suggested.³⁹ Investigating the *Relatio* more closely, however, we can notice that these were actually linked in the discussion of the assembly because the law sent to Praetextatus was produced in the senate hall in order to introduce the debate. By alluding to that very inquest, in fact, Symmachus opens the *Relatio* by declaring that the senate had decided to send a new petition, just after learning that the abuses had finally been suppressed by the law.⁴⁰

Another indication of the link between the two dispositions is also given by the choice of the senate not to send a new embassy, like that of 382, but rather to charge the urban prefect with presenting an exposé to the emperor. This leads us to suppose that the discussion in the senate had been opened as a reflection on the formal, legalistic aspects of the question. It is known that the urban prefect headed the senatorial college of *quinqueviri*, instituted by Gratian to investigate the trials in which senators had been implicated.⁴¹ To conduct their actions as a judicial court and issue their sentences, the senators often came upon judicial inconsistencies that they then indicated to the emperor via the *relationes* of the urban prefect. In the case in question, Symmachus was charged with asking for the abrogation of Gratian's measures because the assembly decreed that those measures were contradictory and had been superseded by the decree sent to Praetextatus.

Actually the first argument treated by the third *Relatio* sheds light on the anomaly of Gratian's measures vis-à-vis the entire legislative tradition: all emperors, independently of the personal faith they professed, had preserved the *status religionum* as a guarantor of the fate of the empire.⁴² All of them,

38 Ambr. *Ep.* 72(17).13: *Detur mihi exemplum missae relationis*. What Ambrose asked in his first letter was fulfilled: Ambr. *Ep.* 73(18).1: ... *poposci tamen exemplum mihi relationis dari. Itaque ... hoc sermone relationis assertioni respondeo*.

39 Symm. *Rel.* 21.5: *suggestionibus viri excellentis et de re publica bene meriti Praetextati praefecti praetorio*. The connection was a conjecture of Palanque 1933, 131. Vera 1981, 25, mentions it without exploring its political consequences.

40 Symm. *Rel.* 3.1: *Ubi primum senatus amplissimus semperque vester subiecta legibus vitia cognovit et a principibus piis vidit purgari famam temporum proximorum ...*

41 Giglio 1990, 198; Lizzi Testa 2004, 247.

42 Cf. Symm. *Rel.* 3.2, on the role of the senate as guardian of the ancient institutions (*instituta maiorum*) and of the laws (*patriae iura*); that role decided Rome's destiny (*fata*); and *Rel.* 3.3: *The principes utriusque sectae, utriusque sententiae, pars eorum prior caerimonias patrum coluit, recentior non removet* were not "Giuliano—che volle cancellare il cristianesimo—fra gli uni, Costanzo II e Valentiniano I fra gli altri," as some scholars even recently suggested (Navoni 1996, 97). I believe that between the members of the first group (*pars eorum prior*) Symmachus counted all the emperors before Constantine; between the more recent (*recentior*), he numbered Constantine and his successors, Constantius II included. Actually, the latter was quoted as an example of the group of emperors

even since the time of Constantine, had remained faithful to this principle, except Gratian, whose provisions did not have the support of *mos* and could even be invalidated by the recent provision of Valentinian II.

This was not an argument that was “fallaciously legalistic,” as has been believed.⁴³ Imperial orders had gradations of impact and were expressed in legislative forms whose efficacy varied. The measure of Gratian had not been a *lex generalis* but rather a rescript, a disposition issued in response to a particular request. If in the case of a trial the rescript did not have the effect of a definitive sentence but gave the appearance of being merely interpretative and, as such, controvertible,⁴⁴ in an extra-judicial context it had a limited purview and was able to be modified.

This is exactly what the senate asked Symmachus to request from Valentinian II. They were exploiting a legalistic argument that set the law sent to Praetextatus with a general impact for the West in opposition to the rescript of Gratian. Confirmation is offered in the structure of the *Relatio* as well, which offers a single request to the emperor: *repetimus igitur religionum statum qui reipublicae diu profuit*. Placed at the beginning and repeated at the end of the text,⁴⁵ this frames the sections pertinent to the restoration of the altar and the abrogation of the measures taken against the Vestals. These subjects are not really requests but have the form of a judicial petition, as when a judge might ask for imperial interpretation after finding normative inconsistencies that had created issues, and then proposed suggestions for their correction. This proposed reconstruction, while it departs from the “personalizing” portrait drawn by Ambrose, seems to me to restore a historical profile to the action of the senate; this is congruent with the functions that this institution was normally called on to perform even during the fourth century AD.

As far as the content of the request is concerned, the decree obtained by Praetextatus on the despoliation of the temples and public buildings of Rome permits us to place a stronger accent on the profound connection that existed between the *status religionum*, *instituta maiorum*, *patriae iura et fata*. The question of the *ara Victoriae* (to which the affair of the privileges of the Vestals was linked) could be presented as an aspect of the larger problem of the preservation of Rome, and above all, the maintenance of its monumental appearance (*facies*). The restoration of the *ornamenta* in the *curia* was exploited by

who did not abolish traditional religions (*religiones*), even if they were Christians and granted many privileges to the Christian Church.

43 Vera 1981, 31.

44 Pergami 2007, 64.

45 Symm. *Rel.* 3.3 and 3.19.

associating it with a larger debate on the politics of public buildings. In a city like Rome, temples and other public monuments were supposed to be preserved from abuses and speculation by the building trade; they were after all an expression of its history, of the victories of its empire and of its civilization.

This subject, which needed only to be hinted at in the text of the first embassy, was broached in 384. It is reflected in the exhortation to the emperor to permit noble senators to transmit to their descendants what they had received from their ancestors;⁴⁶ it is exemplified in the description of the behavior of Constantius II who, when visiting Rome, "let himself be guided through the streets by a celebratory senate, stopped to observe the temples, to read the names of the gods on their facades, to request information on their origins, to express his own admiration for those who had constructed them."⁴⁷ Although everything we know of the inquest of Praetextatus depends on the twenty-first *Relatio* of Symmachus and despite the fact that he remains uncommittal about the type of action which, as urban prefect, he had been charged with punishing (*vindicata fana*), it is possible to believe that not only the appropriation of sacred *ornamenta* was investigated but also the various thefts of marble, columns, and all reusable materials which in those difficult economic times were very sought after for new buildings.⁴⁸ One need only reread the constitutions about the violation of sepulchers in *Codex Theodosianus* IX.17 to understand that even tombs, especially the oldest and most revered tombs, were constantly subject to similar vandalism with the goal of reusing their most precious architectural elements.⁴⁹

That decree, although it was primarily relevant to temples that had been subjected to thievery, drew inspiration from a series of laws designed to limit

46 Symm. Rel. 3.4: *Praestate. Oro vos, ut ea quae pueri suscepimus, senes posteris relinquamus. Consuetudinis amor magnus est . . .*

47 Symm. Rel. 3.7: *. . . et per omnes vias aeternae Urbis laetum secutus senatum vidit placido ore delubra, legit inscripta fastigiis deum nomina, percontatus templorum origines est, miratus est conditores.*

48 Praetextatus had probably requested the decree—as was customary in the legislative system of Late Antiquity—to avenge offenses against temples and to investigate with a *quaestio* and through *inquisitio* the despoliation of public buildings (*cultum spoliatorum moenium*). In Symmachus' *Relatio* there are some references: Symm. Rel. 21.1: *quidve intemptatum relinquunt, qui in arce terrarum Christianae legis iniuriis vindicata fana finxerunt?*; Rel. 21.3: *qui sub occasione iustae inquisitionis, qua me cultum spoliatorum moenium investigare iussistis*; Rel. 21.5: *suggestionibus viri excellentis et de re publica bene meriti Praetextati praefecti praetorio abusus existimor, quid, si ex illo decreto quod probabiliter impetravit, necdum a me ulla quaestio ulla temptata est?*

49 *Cod. Theod.* 9.17.2 (March 28, 349) *ad Limenium p(raefectum) p(raetorium): . . . Universi qui de monumentis columnas vel marmora abstulerunt . . .*; *Cod. Theod.* 9.17.3 (356) *quosdam comperimus lucri nimium cupidos sepulchra subvertere et substantiam fabricandi ad proprias aedes transferre*; or in order to sell them: *Cod. Theod.* 9.19.4 (356 or 357). Julian manifested the same intent in 363 (*Cod. Theod.* 9.17.5).

building corruption that we can trace back in time to the age of the emperor Claudius. *SC Hosidianum*, in about AD 44–46 seems to have included early building regulations for Rome and Italy, forbidding the demolition of urban buildings (*inducere ruinis domum villarumque*). After about a decade, *SC Volusianum* too intervened against property speculators who bought dilapidated buildings in order to trade in architectural materials. Both of them sought to prevent Rome and the Italian landscape from being spoiled by ruins.⁵⁰ Even at the time of Valentinian I, furthermore, one sees this kind of building politics in those constitutions that forbade the construction of new public works without imperial authorization and ordered restoration projects to be given priority over new construction.⁵¹ From high imperial texts, as also from late-antique constitutions, we note an awareness that the architectural reality of the city was meaningful because of the ethical and social values it expressed. To preserve the traditional *facies* meant to show respect for one's own past. The magnificence of the monuments indicated the greatness of one's present.

And it is quite clear that a kind of hostility from an important group of senators toward the *nouveau riche* had a serious impact on the formulation of this notion of urban development: this included the *homines novi* and *liberti*. In the post-Constantinian era it also included the new functionaries who came to Rome to sit in the senate after they had acquired their title serving in some court office. They were primarily interested in a program that would have demolished old neighborhoods and ancient public edifices, not only because of their desire to reuse these urban spaces for ever larger urban spaces with newly founded *tituli* and churches, but also to invest their substantial new fortunes in the city.⁵² Many of them were Christians, so that also from this point of view the *novitas Christiana* was affirmed as part of that ideology of modernity that had been defended by the new classes brought to power by the Constantinian revolution: *equites* and

50 Sargenti 1983, 265–280; Reiner 1987, 31–38.

51 Both principles were already present in regulations which, in *Digestum*, dated back, respectively, to the Severan Age and to Antoninus Pius: *Dig.* 50.10.3 (Macer *Liber II de officio praesidi*), 904; *Dig.* 50.10.7.1 (Callistratus *Liber II de cognitionibus*), 905. Nevertheless, this continuity is only seeming, since a constitution of Constantius II allowed total freedom in this area to provincial governors (*Cod. Theod.* 15.1.7 on May 3, 361) and only Julian compelled them to finish the already started monuments before beginning a new one (*Cod. Theod.* 15.1.3 on June 29, [326] 362, to Secundus Salutius). Friends of Julian, actually, were the functionaries who, under Valentinian I, requested the implementation of that policy: Lizzi Testa 2001, 680–682.

52 Viventius (PLRE 1, 972 [s.v. Viventius]), for instance, was one of those members of the new aristocracy who entered the senate thanks to his previous offices and decided to reside in Rome with his family. A funerary inscription was permitted to identify his big mausoleum in the area of San Sebastian: ICUR 6.1355; Lizzi Testa 2007b, 121–122.

provincial notables who had begun to flow into the senate thus causing this organization to grow progressively.⁵³

But the inquest concerning temple properties, ideally linked to a conservative sort of building politics, found strong support also among Christian senators of the old nobility, who had become annoyed or threatened by the urban devastation that the speculations of their *nouveau riche* colleagues promised to produce. We should trust Symmachus when he says that in implementing the new mandate the senate had reached unanimous concord: *nulla est hic dissensio voluntatum*.⁵⁴

Indeed, although according to Ambrose neither the request of 384 nor those of the years that followed were received—and his voice is alone here, apart from Paulinus of Milan who bases his report on these letters⁵⁵—the line maintained by the senate at that time was the same that was regularly affirmed in the legislation for Rome and the West. In 399, a constitution sent to the *vicarii* of Spain and southern Gaul ordered that temples and art works of value be guarded as *ornamenta*. From the reactions that this aroused even in Africa, it is clear that the law was not sent to these regions alone.⁵⁶ I believe, instead, that the law was one that the senatorial aristocracy succeeded in obtaining from Honorius to avoid the devastation of antique monuments: they were again recognized for their value as public works. Although they were no longer maintained at state expense as expressions of *religio publica*, with this law they continued to be preserved and restored at public expense because of their significance as

53 Some effects of this “revolution” can be seen during the Valentinian age: Lizzi Testa 2004, 420–423.

54 Ambrose, instead, asserted that also in 384 “it was not the senate that voted that demand, but only a few pagans in the name of the entire assembly” (Ambr. *Ep.* 72[17].10: *sed absit ut hoc senatus petisse dicatur: pauci gentiles communi utuntur nomine*). Nevertheless, he did not know that from specific documents, but simply presumed it in analogy with what had happened in 382.

55 Liebeschuetz/Hill 2005, 27.

56 *Cod. Theod.* 16.10.15 (January 29, 399, or better on August 29, 399): *Macrobio vicario Hispaniarum et Procliano vicario quinque provinciarum. Sicut sacrificia prohibemus, ita volumus publicorum operum ornamenta servari. Ac ne sibi aliqua auctoritate blandiantur, qui ea conantur evertere, si quod rescriptum, si qua lex forte praetenditur*. . . . For the addressees and the date of this constitution, see Delmaire 2005, 450–451. Bishops, who gathered at the council in Carthage in 401, reacted to that: *Concil. Carth.* (June 16, 401), c. 58 and *Concil. Carth.* (September 13, 401), c. 84. Also Prudentius reacted to that law (*Perist.* 2.481–484; *Contra Symm.* 1.501–505; Shanzer 1989, 452 n. 1; cf. Solmsen 1965; Baldini 1987–1988). Apollodorus too, the African proconsul, asked for more information about that law: the compilers of the Theodosian Code divided the constitution the emperor sent in answering him in two fragments: *Cod. Theod.* 16.10.18, sent on same day (August 20, 399) from the same place (Padua) to the same African proconsul (Apollodorus), is a fragment of the same constitution from which comes also *Cod. Theod.* 16.10.17, which was intended to keep alive public festivals, even if without *ritus profanus*. Actually *Cod. Theod.* 16.10.18 starts with a sentence that recalls *Cod. Theod.* 16.10.15 (*Aedes illicitis rebus vacuas nostrarum beneficio sanctionum ne quis conetur evertere*). About the meaning of this constitution, see Lepelley 1973, 32–33.

monuments. In this sense, Symmachus' exhortation "At least give honor to the name of the goddess that is denied to her divinity" was not in vain (note the pun on *nomen*, *numen*).⁵⁷

The principle of the preservation of the temples and sacred statues, as public works of great value that should not be destroyed but rather preserved and restored, remained in fact valid in the West until at least the age of Theodoric, and apparently created a complete division between the legislative orientations of the two parts of the empire.⁵⁸ In 458, a constitution of Majorian⁵⁹ affirmed that those who destroyed and appropriated the property of temples were threatened with a fine of fifty pounds of gold; Theodoric remembered its spirit in 510–511 when he presented the restoration and the preservation of the *templa* and *loca publica* as an urgent matter that many members of the senate, to whom he sent this order, felt strongly about.⁶⁰ Thanks to archaeological research, furthermore, we know that the temples of Rome were preserved intact and kept both from demolition and also from being transformed into churches, until the late sixth century.⁶¹

Furthermore, 399 wasn't the first time that a pagan group from the senate succeeded in assembling a majority around these subjects which their Christian colleagues would otherwise have opposed strongly, using a strategy of soliciting common interests, or rather thinking up formulas (for instance: divine statue = *ornamentum*; temples = *operae publicae*) around which it was possible to create broad agreement. Just as in 384 the subsidies and privileges of the Vestals were connected with the theme of restoring the altar so that it could fit within another rubric, the law of 399 not only dealt with temples and cult statues but also with permissions for the *cursus publicus*: it consisted, therefore, of a legislative package sought for quite broad reasons.⁶²

57 Symm. Rel. 3.3: *reddatur saltem nomini honor, qui numini denegatus est.*

58 *Varia* 1.6.2 ordered the restoration of *basilica Herculis* and *Varia* 4.24, celebrated the *splendor reparationis*. Conversely in the east, already in 399, destroying rural temples was generally permitted (*Cod. Theod.* 16.10.16 *ad Eutichianum PPO Orientis* on July 10, 399: *Si qua in agris templa sunt, sine turba ac tumultu diruantur. His enim deiectis atque sublati omnis superstitioni materia consumetur*), and in 435 that authorization had been enlarged to all still standing temples: *Cod. Theod.* 16.10.25 *ad Isidorum PPO Orientis*: *... cunctaque eorum fana templa delubra, si qua etiam nunc restant integra, praecepto magistratuum destrui collocatione venerandae christianae religionis signi expiari praecipimus.*

59 *Nov. Maior.* 4.

60 *Cass. Var.* 3.31.4.

61 Poulsen 1993, 150–152.

62 See, for instance, the second part of *Cod. Theod.* 16.10.15: *Erutae huiusmodi chartae ex eorum manibus ad nostram scientiam referantur, si inlicitis evectiones aut suo aut alieno nomine potuerint demonstrare, quas oblatas ad nos mitti decernimus. Qui vero talibus cursum praeberint, binas auri libras inferre cogantur.*

If one wishes to maintain the principle of a *réaction païenne*, we should therefore attribute to it qualities that were worked out in procedures astutely fought out in the senate that played on the presence or absence of colleagues, on the way in which the order of the day was set, rather than ranging armies or, as H. Bloch puts it, “the final pagan army of the ancient world.”

EPILOGUE

The Empire's Golden Shade

Icons of Sovereignty in an Age of Transition

JOHANNES WIENAND

ON THE COVER OF THIS VOLUME APPEARS A CEREMONIAL GOLD coin of the finest quality, produced in AD 346 by the Roman mint at Antioch (cf. Figure 20.1).¹ Seen in context, this medallion neatly encapsulates the main themes of this volume: administration, imperial representation, and religion. A closer look at this specific coin reveals how a fourth-century emperor had to integrate these three fields to forge the image of a ruler equal to the specific challenges of the times. The following discussion of this medallion, its ceremonial context, and the political-military circumstances draws together in a concluding epilogue the central subjects of this book and retraces how in the fourth century not only such precious coins but also the emperors themselves served as icons of sovereignty in an age of transition.

The obverse of the medallion bears the imperial titulature FL(avius) IVL(ius) CONSTANTIVS PERP(etuus) AVG(ustus) and depicts in profile the bust of Emperor Constantius II facing left in military dress, that is, in a cuirass and a general's cloak (*paludamentum*) pinned at the shoulder by a decorative brooch. The emperor is crowned with a diadem consisting of two parallel strings of pearls and a magnificent centerpiece over his brow. The reverse of the medallion shows the emperor standing facing in the car of a triumphal quadriga

1 RIC 8 Antioch 78 (erroneously described, since in contrast to RIC the medallion does not have a reverse legend); cf. Depeyrot 1996, Antioche 6–8/RIC 78 (297); Bastien 1988, 86 n. 3. The medallion is not mentioned in Cohen 1888; Gnechi 1912; Toynbee 1944. Only two specimens of this medallion are known today. The specimen depicted here was auctioned by Leu (Auction 13, April 29, 1975, lot 503), held in the collection of Nelson Bunker Hunt, auctioned by Sotheby's New York (June 19, 1990, lot 159) and Numismatik Lanz München (Auction 106, November 27, 2001, lot 763), and finally came into the possession of Prof. Dr. Ulrich Zwicker, after whose death it entered the Numismatic Collection of Erlangen University, Germany. Dr. Hubert Lanz has kindly helped me track down the medallion, and Ms. Ilse Zwicker has generously granted reproduction rights. A further exemplar was auctioned by Leu (Auction 71, October 24, 1997, lot 542) and Numismatica Ars Classica (Auction 24, December 5, 2002, lot 305). This is the exemplar that was once held in the collection assembled by Michael Vlastos (see Kent 1981, 518 n. 78) and sold by his heirs in 1947. A cast of this specimen is in the British Museum, of which Richard Abdy has kindly provided an image.



Figure 20.1 Gold medallion of emperor Constantius II, RIC 8 Antioch 78.

drawn by four symmetrically arranged horses. He wears the *tunica palmata* and *toga picta* and is crowned by a diadem. In his left hand, he holds a scepter (*scipio*) surmounted by an eagle and, with his right hand, he scatters money to a jubilant crowd one must imagine just beyond the scene. In the field right, a Christogram appears in the form of a staurogram.

In contrast to the vast majority of Roman coin issues, the reverse does not bear a regular legend. Its suggestive, triumphal type in this case is not identified more specifically; it must speak for itself. In exergue stands merely the mint mark SMAN (= *sacra moneta Antiochia*), indicating that the medallion derives from the “sacred mint of Antioch.” This abbreviation was used under Constantius exclusively for ceremonial issues of small denominations in gold or (less often) silver; it thus identifies not only the mint but also the ceremonial status of the issue.² The size and weight of the medallion likewise attest to its exceptional character. The medallion was coined on the standard of 1/60th a Roman pound; it is thus what today is called a *festaveure* (a ceremonial aureus), reminiscent of the heavier gold standard in use before Constantine introduced the *solidus* in AD 310 at the lower ratio of 1/72nd a Roman pound.³

The extraordinary artistic refinement of the medallion, its exceptional weight standard, and its production in pure gold unmistakably indicate that it was not minted for ordinary state expenditure but rather for an imperial

2 Kent 1981, 506; Baldus 1984a, 79.

3 The two specimens mentioned in n. 1 above weigh 5.32g and 5.31g. On the introduction of the *solidus* under Constantine and the significance of this denomination for late-antique society, see Carlà 2009; Banaji 2001.

largitio, that is, as a gift from the ruler on the occasion of a specific celebration.⁴ Only high-ranking members of the civil and military administration come into consideration as the recipients of such an exceptional medallion. It is likely that the emperor regularly made such gifts of money with a fairly large number of such medallions, which were generally presented to recipients at a ceremonial occasion (an audience, the conferral of an honor, or some such event) on an ornamental silver *largitio* dish adorned with images and legends.⁵ With such valuable gifts, the emperor expressed his generosity (*liberalitas*), one of the most important imperial virtues, and tangibly illustrated the benefits of his reign. The types and legends of such medallions simultaneously shaped the ruler's image. In this case, the emperor's military-triumphal quality is emphasized, insofar as he is depicted as a victorious *triumphator*. Only two specimens of this exceptional medallion are known today, but they were coined from different pairs of dies, which indicates that the original issue was not too small.⁶ Hence, the Antiochene *festareus* seems not to have been minted for an individual or for a small group of recipients but rather for a wider group of high-ranking supporters of the emperor. In order to elucidate the significance of the medallion, then, we must identify more closely the historical circumstances in which these pieces were distributed as imperial gifts.

The Antiochene medallion was most probably coined in spring 346, when the Sasanian king of kings Shapur II called off the three-month siege of Nisibis and retreated empty-handed.⁷ The siege of Nisibis was but one episode in a

4 On the organization, significance, and scope of imperial largesse during the Principate and Late Antiquity, see Toynbee 1944, 73–121; MacMullen 1962; Delmaire 1989, 535–593, esp. 563–584; Bauer 2009; Wienand 2012, 66–86. Specifically for the fourth century, the occasions of known ceremonial issues have been reconstructed by Bastien 1988 and Beyeler 2011, although neither author makes the terminological distinction between *donativa* as special payments to soldiers and other imperial *largitiones* and *dona* specifically for the highest ranking members of the civil and military administration. The Antiochene *festareus* should be viewed in the context of a *largitio*, not a *donativum*.

5 In particular on largesse dishes, see Toynbee/Painter 1986; Cameron 1992; Painter 1993; Leader-Newby 2004.

6 It is not possible, however, to assess the precise extent of the issue reliably. The exact number of coins that could be produced by an ancient die, necessary for such a calculation, is unknown. The figures cited in the literature and confirmed by experiments range from 1,000 to 40,000 coins; see Wolters 1999, 104 with n. 246 (with references to further literature). For gold issues, a higher number of pieces per die is generally assumed on account of the softness of the metal. The life span of a die, however, also depends on its position (obverse or reverse) and physical material, on the composition, temperature, and thickness of the flans, and on minting technique—factors that cannot be quantified reliably.

7 The three-month siege is mentioned by Jerome *Chron.* ad ann. 346. The dating of the Roman “victory” to spring (probably April or May) results from the circumstance that Constantius was still in Antioch on May 21 (*Cod. Theod.* 10.14.1) but already in Constantinople on May 26 (*Cod. Theod.* 16.2.10). That the conflict was over when Constantius traveled to the metropolis on the Bosphorus is attested by a series of victory issues that were distributed virtually along the emperor's route, in Antioch, Nicomedia, and Constantinople (on these issues, see n. 29 in this chapter). It is less likely that the

long-lasting conflict between the Romans and Persians. In the last years of Constantine's reign, Shapur initiated an increasingly aggressive policy of threatening the Roman sphere of influence in the East. Over the course of this conflict, the Persians would besiege Nisibis three times without success: in 337 (or 338)⁸, 346, and 350.⁹ Yet Constantius did not take the field personally in any of these struggles for Nisibis. This is all the more surprising in the case of the second siege, since he undoubtedly was residing in Antioch not far from Nisibis at the time.¹⁰

Constantius' decision to keep clear of the front seems due to a carefully calculated strategy. In all the larger and smaller skirmishes along the Roman and Persian frontier during Constantius' reign, according to the testimony of the breviator Festus, Constantius participated personally in only two significant battles.¹¹ What one might interpret as passivity or timidity is in fact the expression of strategy, characterized by B. H. Warmington as "strictly defensive": "The Persians were to be allowed to waste their energies on lengthy sieges while Roman casualties were kept to a minimum."¹² Even if the impression that Constantius enjoyed at best mixed success on the battlefield became fixed in

emperor had gone to Constantinople before the end of the siege (thus also Barnes 1980, 164 n. 15, although he draws a different conclusion; on this, see n. 33 in this chapter). The gold medallions from Antioch were dated by Kent 1981, 502–510; Baldus 1984a; Bastien 1988, 86 with n. 3; Beyeler 2011, 132. Bastien 1988, 86 n. 3, conjectures that imperial largesses were distributed upon the conclusion of the second siege of Nisibis; it is in this context that he (plausibly, in my opinion) places the issue RIC 8 Antioch 78, which is at the center of our attention here.

8 On the date, see Portmann 1989, 8; Burgess 1999.

9 Cf. Festus *Brev.* 27: *Ter autem a Persis est obsessa Nisibis, sed maiore sui detrimento dum obsidet hostis adfectus est*. On the sieges, see Warmington 1977, 513; Lightfoot 1988; Blockley 1989, 489–490; Portmann 1989, 8; Burgess 1999; Mosig-Walburg 1999, 369–372; Mosig-Walburg 2009, 284–285. The second siege of Nisibis by the Persians is mentioned in Jer. *Chron.* a. Abr. 2362 and Festus *Brev.* 27; the evidence of Festus is critically analyzed by Portmann 1989, 14–18; Mosig-Walburg 1999, 369–372.

10 On the emperor's itinerary, see n. 33 and 34 in this chapter.

11 Festus *Brev.* 27. This statement probably refers to the so-called "Night Battle" of Singara in 344 (Mosig-Walburg 2009, 284) and a battle near Antinopolis/Constantia (thus Portmann 1989, 15) or the second battle of Singara (thus Mosig-Walburg 1999, 371; Mosig-Walburg 2009, 284). Constantius did not personally take part in the three sieges of Nisibis. Zonaras (13.7) states that Constantius inspected the fortress at the conclusion of the third siege, but only after hostilities had already ended.

12 Warmington 1977, 513; similarly, Barnes 1985, 135–136, with the reservation that Constantius had not pursued such a defensive strategy from the beginning. Seeck 1900, 1060 (cf. Seeck 1919, 194) conjectures that the second letter of Constantius to Athanasius preserved in Athan. *Apol. c. Ar.* 51.5 (and Socr. *Hist. eccl.* 2.23.8–9; Theod. *Hist. eccl.* 2.11), composed in Edessa (this at least is suggested by Athan. *Apol. c. Ar.* 51.6), dates from the summer of 346. This would place Constantius halfway between Antioch and Nisibis during the siege, which could be regarded as clear evidence of imperial intervention. It is now generally accepted, however, that the second letter dates to the year 345; cf. Martin/Albert 1985, 292 n. 53 (with reference to Athan. *Index* 17 and *Hist. ac.* 1.1–2); Barnes 1993, 220; Portmann 2006, 380 (document E 11) and 214–215 n. 137.

late-antique literature,¹³ his defensive strategy was essentially effective until the fall of the fortress Amida in 359, which even eight legions and auxiliary troops could not hold.

Since Constantius dispensed with a large-scale offensive and the Persians were unable to register any substantial successes until the end of the 350s, the military confrontation of the superpowers during the forties and fifties resembled an entrenched stalemate. The Romans maintained the status quo with minimal effort; spectacular victories were out of the question. Yet the triumphal glory of the emperor still played a major part in the legitimation of his rule.¹⁴ This is why during this bitter and largely indecisive contest, even minimally decisive Roman “victories” might loom large in imperial representation and as memorable events of the long-lasting war leave significant traces in the ancient tradition—for instance, the devastating capture of the Persian camp during the Battle of Singara in 344 or the Persians’ three unsuccessful sieges of Nisibis.¹⁵ Although Roman gains in the 340s and 350s were limited, Constantius had an understandable interest in wringing triumphal significance from his strategy’s success.¹⁶ The Antiochene *festaveus* clearly illustrates this effort, as its type and legend convey the idea of a totally victorious emperor. Constantius is depicted in the typical guise of a proper *triumphator* riding in the triumphal car; the military success evoked by the medallion is thus raised to the level of the most glorious victories of Roman history, even though Constantius certainly did not hold a victory parade comparable to the triumphal processions of the Roman past—nor did he have to: the Roman emperors of the fourth century promoted the idea that they were *semper triumphatores*, whose authority, legitimacy, and power did not depend on any particular military success; imperial victoriousness was rather conceived as an intrinsic and permanent quality. The Antiochene medallion supports this idea insofar as it does not explicitly refer to a particular military success: the intentional vagueness of its design blends the triumphal message with overtones of Constantius’ consulship and his *vicennalia*, which is typical for late Roman victory issues.

13 Cf. Festus Brev. 27: *Constantius in Persas vario ac magis difficili pugnavit eventus*; Eutr. 10.10: *Diversa Constantii fortuna fuit*. Eutr. 10.10 goes so far as to list primarily Persian victories: *A Persis enim multa et gravia perpressus, saepe captis oppidis, obsessis urbibus, caesis exercitibus, nisi quod, apud Singaram, haud dubiam victoriam ferocia militum amisit* . . .

14 On this, see the chapters by Humphries and Wienand in this volume.

15 The so-called “Night Battle” of Singara was ultimately one of the most serious Roman defeats of the fourth century, but the storming of the Persian camp made it the occasion for celebrating a victory; on this, Portmann 1989 is fundamental; see also Mosig-Walburg 1999. The celebration of the end of the second siege of Nisibis is discussed later in the chapter in detail.

16 See also Portmann 1999, 318.

The ceremonial character of the medallion nonetheless suggests that the Roman success was celebrated with appropriate festivities in the imperial residence.¹⁷ Usually the men in charge who had been responsible for a military success were decorated by the emperor and richly rewarded for their loyal service, typically during a ceremonial audience with the emperor himself. The emperor's guests included his highest-ranking officials—in the case of Constantius, these will have included the *praefectus praetorio per Orientem* Flavius Philippus, one of the emperor's most important military advisers, as well as other members of the imperial *consistorium*.¹⁸

How the victory was celebrated in Antioch, besides the ceremonial honors for high-ranking imperial officials implied by the existence of the gold medallions, is not directly attested.¹⁹ Regardless of how exactly the successful defense of the nearby frontier fortress was celebrated in the imperial residence, by 346 large celebrations had long ceased to be rare in the metropolis on the Orontes. The impact of long-term imperial presence and a high concentration of imperial administrative and military officials had transformed the city into one of the liveliest and proudest centers of the later Roman empire. Antioch could boast of repeated imperial visits already in the Early and High Empire;²⁰ then during the Tetrarchy, Antioch served for years as the chief residence of several rulers (Galerius from 293 to 296, Diocletian from 299 to 302, Maximinus Daza from 305 to 306 and again from 309 to 313).²¹ An imperial

17 Kraft 1958, esp. 144–145, 183–185, focusing on the coinage of Constantius II in the 340s, has convincingly shown that their iconography makes reference to specific events. The reflections on the iconography of the Antioch medallion of 346 presented here support Kraft's thesis.

18 PLRE 1, Philippus 7; Moser 2013, 97–101. Moser gives a revised list of senatorial officials in the eastern administration of Constantius. The list is based on PLRE 1; Kuhoff 1983, with revisions in light of recent epigraphic finds. After the Persians' retreat, probably also the governors and other administrative personnel in the neighboring provinces traveled to the court in Antioch to celebrate the victory with the emperor. These persons might also have been among those to receive the medallion.

19 In the imperial palace, such occasions were normally marked by receptions and banquets, at which the emperor was celebrated with panegyrics and in turn decorated his officials with honors and gifts; among the troops, such events typically included donatives, acclamations, and imperial addresses; in the public sphere of the city, imperial *adventus* or other processions and public games were held and largesses of money were distributed to the people; in the wake of progressive Christianization, thanksgiving and memorial services as well as ecclesiastical processions rose in importance. Such victory celebrations are occasionally called *triumphi* in the ancient sources, even if they were far from the spectacular victory processions the emperors still celebrated from time to time in the city of Rome. See especially MacCormack 1981; McCormick 1986.

20 An overview of the Roman imperial presence in Antioch down to the Flavian dynasty may be consulted in Carter 2001, 37–46. Lucius Verus, Marcus Aurelius, Septimius Severus, Caracalla, Severus Alexander, and Valerian would later reside in Antioch, sometimes for long periods of time. On the late-antique period, see Downey 1961; Liebeschuetz 1972.

21 Kuhoff 2001; see the imperial itineraries in Barnes 1982, 61–64 (Galerius), 49–56 (Diocletian), 65–68 (Maximinus).

palace was built on the Orontes island; in the nearby suburb Daphne an imperial villa complex was constructed in Tetrarchic-Constantinian times. Under Licinius and Constantine, though, imperial interest in the city initially declined: both emperors pursued de-escalation with the Persians and, it seems, deliberately avoided residing provocatively on the eastern frontier.²² But when Shapur from the middle of the 330s made clear his intention to recover the territory lost to Galerius in 297, the situation reversed itself dramatically. In the last years of his reign, Constantine not only placed two family members in Antioch, his son and *caesar* Constantius and his half-brother and *comes* Flavius Dalmatius, but he also prepared a Persian campaign that failed to materialize only because of his death on May 22, 337.²³

From Constantine's death until the year 350, an almost constant imperial presence is attested in Antioch²⁴—with the result that further members of the imperial house, the imperial *consistorium*, central departments of the imperial administration, the court, guard units, and, besides already permanently stationed frontier troops, even further units of the mobile field army were present in the metropolis on the Orontes. “Rome is where the emperor is,” as Herodian aptly put it,²⁵ and in the years between 337 and 350, the emperor resided regularly and sometimes for longer periods of time in Antioch and its environs, so that the city rose to become one of the most important centers of the Roman world.²⁶ During these years of concentrated imperial presence, the ceremonial

22 Licinius was in Antioch only in 313–314, immediately after his victory over Maximinus Daza, and Constantine probably never visited the city personally. A visit by Constantine to Antioch early in 325 is suggested by the legend of a solidus minted in Antioch (RIC 7 Antioch 48), reading ADVENTVS AVGVSTI N(ostri). Eusebius (*Vit. Const.* 2.72.2–3) implies, however, that Constantine canceled his plans to visit Antioch at short notice. The period between his stay in Constantinople on November 8, 324, and Nicomedia on February 25, 325, permits at most only a very brief visit. On the emperor's itinerary over winter 324–325, see Barnes 1982, 76. Bruun 1966, 664 n. 2 presumes that Constantine really was in Antioch; likewise Barnes 1981, 212; Barnes 1982, 76; Beyeler 2011, 117–118. See contra Bastien 1988, 78 n. 10: “la présence de Constantin semble peu probable. Son séjour dans la capitale syrienne aurait été particulièrement bref puisqu'il se trouve à Nicomédie le 25 février 325.”

23 Constantius himself resided primarily in Antioch from 335, then still the *caesar* of his father Constantine entrusted with the *praefectura Orientis* including Egypt (Euseb. *Laus Const.* 3.4; *Iul. Or.* 1.13b; Sozom. *Hist. eccl.* 3.5.1). Constantine's half-brother Flavius Dalmatius (RE Delmatius 2; PLRE 1, Dalmatius 6.) also resided in Antioch; he had been appointed *censor* in 333, thereby standing equal in rank to a praetorian prefect and potentially in command of troops stationed on the eastern front (*Chron. Pasch.* s.a. 335; he is here called a στρατηγὸς Ῥωμαίων).

24 The years after Constantine's death were marked by almost constant imperial presence. From 337 to 350, Constantius used Antioch as his chief residence; on the itinerary of the emperor during this period, see Seeck 1919, 184–199; Barnes 1993, 219–224.

25 Herod. 1.6.5: ἐκεῖ τε ἡ Ῥώμη, ὅπου ποτ' ἂν ὁ βασιλεὺς ᾗ.

26 For Ausonius, Antioch was the “third city” of the empire: *Tertia Phoebeae lauri domus Antiochia* (*Ordo urb. nob.* 4). On Antioch, see also Brands 2004. Amm. Marc. 22.9.14 calls Antioch *oriens apex pulcher*.

culture of Antioch unsurprisingly also blossomed, as illustrated by the imposing list of events at court that can be reconstructed from scattered literary references and imperial medallion issues—among them such pre-eminent ceremonies as imperial accessions, jubilees, imperial *adventus*, and the inauguration of consulates.²⁷

Precisely in the year 346—the same year in which the Antiochene *festau-reus* was produced—the imperial presence in the metropolis on the Orontes manifested itself in a particularly remarkable way. Several celebrations, inter-related and interconnected in their importance for monarchic rule, are attested in Antioch beginning with the celebrations for a joint consulate of the two emperors on January 1, 346 (though only recognized in the eastern half of the empire), followed by victory celebrations after the Persian retreat in the spring and an imperial *adventus* in the summer, and ending in imperial anniversary celebrations in late summer and autumn.²⁸ Interwoven with these significant dates on the courtly calendar are diverse aspects such as the disputed division of power between Constantius and Constans, the triumphal representation of the emperors, and imperial religious policy. The events, their interdependence, and their representation on coin types from the Antiochene mint require closer examination, since only by viewing them in context can we ascertain just how Constantius wanted his victory over the Persians, celebrated by the Antiochene *festau-reus*, to be understood. The most convenient starting point will be to take a broader look at the other ceremonial issues produced by the mint of Antioch in 346.

The Antiochene *festau-reus* was not the only ceremonial issue after the end of the siege of Nisibis that illustrated the emperor's victoriousness in its iconography and legend. The medallion is directly related to a series of further *largitio* issues that were also minted for the occasion. Alongside the *festau-reus*, an extensive issue of precious metal coins produced after the Persian retreat was minted not only in Antioch, but also in Nicomedia, Cyzicus, and Constantinople, all of which (implicitly or explicitly) refer to the felicitous outcome of the battle for Nisibis. The series consists primarily of solidi, but in Antioch additionally includes small, lightweight silver coins, the dies of which are cut with a degree of care typical for medallions. The British Museum owns a silver coin weighing just 2.23g from this series issued from Antioch (Figure 20.2).²⁹ The obverse bears the legend FL(avius) IVL(ius) CONSTANTIVS PERP(etuus) AVG(ustus) and depicts the bust of the emperor, facing right, crowned with a pearl diadem

27 Bastien 1988, 82–87; Beyeler 2011, 126–133.

28 On the question of the chronology, see n. 7 and n. 33 in this chapter.

29 BM R.5981 (not listed in RIC).



Figure 20.2 Lightweight silver medallion of emperor Constantius II. British Museum (R.5981).

and wearing a cuirass and *paludamentum*. On the reverse, the goddess Victory is depicted walking left, holding a palm branch in her left hand and shouldering a trophy and, in her right hand, holding a victory wreath encircling the number XXV. In front of her kneels a typical Persian barbarian, who conjures the Persian military defeat with the gesture of supplication. The legend reads VICTORIA AVGVSTORVM, “victory of the emperors.” The number XXV refers to the *vota* for the twenty-fifth jubilee of the elevation of Constantius to *caesar*.³⁰ The very same iconography is used on the reverses of solidi minted in Antioch, Nicomedia, Cyzicus, and Constantinople.³¹ Such coins were issued not only with the portrait of Constantius on the obverse but also with that of Constans.³²

The fine design of the series and its execution in the precious metals gold and silver suggest a ceremonial character; yet the fact that it was produced

30 Strictly speaking, this jubilee commenced in 348–349; Kent 1981, 51, however, has plausibly argued that the Antiochene xxv-issues were produced already in the year 346, as if in anticipation of the correct date of the jubilee, and accordingly overlapped with the tenth anniversary of the emperor's elevation as *augustus*. The issue of *vota* types in advance of the actual date is not uncommon in the Tetrarchic–Constantinian period. The highly triumphal character of the types suggests some connection between the *vota* issues and the victory issues, centering on the Roman victory in battle for the frontier fortress of Nisibis; contra Baldus 1984a, 82 n. 18.

31 The statement in Kent 1981, 467, that coins of this type are found only in Nicomedia and Antioch, is mistaken. The specific issues are (1) Antioch: RIC 8 Antioch 79 (cf. Depeyrot 1996, Antioche 6/1); (2) Nicomedia: RIC 8 Nicomedia 26–28 (cf. Depeyrot 1996, Nicomédie 3/1–2); (3) Cyzicus: CNG Auction Triton 8, lot 1259 (this coin has not yet been registered in scholarly reference works); (4) Constantinople: RIC 8 Constantinople 55 (= Depeyrot 1996, Constantinople 2/1).

32 Three variants of this type are attested specifically from Nicomedia in RIC 8 (Nicomedia 26–28); the obverse shows Constantius or Constans with the titulature FL(avius) IVL(ius) CONSTANTIVS PERP(etuus) AVGV(ustus) or FL(avius) IVL(ius) CONSTANS PERP(etuus) AVGV(ustus), respectively.

only in light silver coins and simple solidi and not in more valuable multiples likely means that the pieces were not distributed to the highest-ranking members of the ruling elite but more probably were used for donatives primarily in honor of the lower and middle levels of the military. The fact that these issues were also produced in Nicomedia and Constantinople supports the conjecture that Constantius halted at Nicomedia on his way back to the capital on the Bosphorus, which he visited in early 346 after the Persian retreat, and there also distributed an imperial largesse.³³ Constantius certainly seems to have made constant use of the land route between Antioch and Constantinople; and precisely during his reign, we can detect the dramatic expansion of the harbors along the Levant, on the southern and western coasts of Asia Minor, and in Constantinople for military purposes, which seems to justify the inference that some part of the logistics, provisioning, and personnel arrangements to accommodate the emperor's movements between Antioch and Constantinople in the 340s was managed by sea route.³⁴ Since the victory issue is also attested in Cyzicus, it seems likely that imperial officials traveling on the sea route between Antioch and Constantinople were also honored here.

The element of the imperial titulature *perpetuus augustus* and the *vota* count of the *vot xxv* issues highlight an aspect that is not expressed on the *festareus*: the duration and permanence of Constantius' reign. The timeless quality of the political order is stressed here, which according to the logic of the iconography and legend results directly from the emperor's victoriousness. The *perpetuitas*, *aeternitas*, and *sempiternitas* of triumphal rulership is also frequently invoked in late-antique panegyrics. The iconography of the *vot xxv* issues thus expands the semantic field of the image of the triumphal ruler by means of topical concepts that were not new, but could not be omitted from the image of a triumphal ruler.

The emperor's victoriousness, which serves as the basis for the permanence of the political order, is conceived as an innate, intrinsic characteristic of Constantius that enables him to surpass even the most glorious precedents of ancient military genius. This emerges from a special *siliqua* issue at Antioch that likewise is connected to the Roman "victory" over the Persians. The coin

33 The assumption that Constantius had left the Syrian metropolis Antioch after the retreat of the Persian troops in order to travel to Constantinople, has been proven wrong by the existence of a 1½-solidus multiple from the mint of Antioch in honor of the FELIX ADVENTVS AVG(usti) N(ostri): RIC 8 Antioch 75. Bastien 1988, 86 n. 3 speculates rightly, in my opinion, that this issue refers to Constantius' return from Constantinople in summer 346.

34 Drinkwater 2004, xvi, notes the "continuing overriding importance of travel by land." A series of harbors was built along the sea route from Antioch to Constantinople; M. Moser (Frankfurt) is currently pursuing a research project on the military harbors under Constantius II.



Figure 20.3 Siliqua coin of emperor Constantius II, RIC 8 Antioch 36.

presents a portrait bust of Constantius facing right in heroic-divine nudity, gazing upward, crowned with a pearl diadem (Figure 20.3).³⁵ The iconography of this type recalls Hellenistic models and adopts a portrait type that was connected first and foremost with Alexander the Great.³⁶ Constantius is thus deliberately assuming the role of a *Novus Alexander*.

With Constantius, though, this portrait type opens yet another interpretive level through dynastic reference to his father Constantine: this Alexanderesque ruler portrait was issued extensively for the first time in the history of Roman coinage for the *vicennalia* of Constantine shortly after he had won sole power over the entire empire in civil war by defeating Licinius, his last rival in the collapsing Tetrarchy.³⁷ The types in question were issued by all Constantinian mints until Constantine's death in 337. Not only was Constantine's portrait designed gazing upward and wearing a diadem like Alexander, but the coins were also issued for the *caesares*, including Constantius himself. Thus in Antioch in 346, Constantius revived an issue that had first been minted for him as *caesar* twenty years earlier.

The reference to his father's coinage in the siliqua issue from Antioch is calculated to stress the legitimacy of Constantius' right to rule. This dynastic element is reinforced by means of an interesting peculiarity of the portrait: busts of Constantius on his own coinage normally depict him with a large and

³⁵ RIC 8 Antioch 36.

³⁶ See R.-Alföldi 1963, 93–94. The resemblance is especially vivid in RIC 7 Constantinople 53—a type that draws inspiration directly from the massive issue of tetradrachms of Lysimachus depicting the portrait of Alexander on the obverse and Athena Nikephoros on the reverse.

³⁷ Some particularly interesting types of this extensive series are discussed in Lenski's contribution to this volume.

remarkably straight nose—as does the Antiochene festaureus, for example. In the Novus Alexander issue of 346, however, Constantius sports the aquiline nose typical of his father. The issue thus depicts Constantius not only as Novus Alexander but also as a Novus Constantinus. These physiognomic loans from his father must have been intended to evoke the idea of inherited charisma with exceptional vividness.³⁸

With the issue of 346, reference to Alexander the Great is placed firmly in the realm of foreign politics and is clearly intended as an affront to the Persians.³⁹ This emerges not only from the immediate context of the Antiochene issue of 346 but also from two exceptional literary witnesses in which Constantius is directly linked with Alexander the Great:⁴⁰ the *Res gestae Alexandri Macedonis* and the *Itinerarium Alexandri Magni Trianique*. The *Res gestae* are the first Latin translation of the Greek Alexander romance, probably composed and dedicated to the emperor toward the end of the 330s by Iulius Valerius Alexander Polemius, a *vir clarissimus* from Alexandria and consul of 338.⁴¹ The *Itinerarium* is a brief description of the deeds of Alexander and Trajan, although only the section on Alexander is extant; it was composed around 340 by an anonymous author, probably also Valerius.⁴² Since the preface of the *Res gestae* has been lost, how the author introduced the connection between

38 Already Constantine had based his own imperial self-representation on that of his father Constantius I (Chlorus); in this manner, an iconographically interrelated representation of the Constantinian dynasty could develop over the generations of rulers. On dynastic rule, see Börm's contribution to this volume.

39 Such a message referring directly to the Persians had not been explicit in the coins issued under Constantine, which served as Constantius' model. Constantine appears to have attempted to free Alexander imagery from its classical reference to foreign events and apply it instead to his successes within the empire, in particular, the acquisition of sole rule, the integration of the eastern half of the empire into his territory, and the foundation of his victory city, Constantinople.

40 From the beginning of the empire, the Roman emperors regularly made both implicit and explicit references to Alexander the Great, but such references became especially frequent during the Tetrarchy and under the members of the Constantinian dynasty. In general, on the two works discussed in the following, see Cracco Ruggini 1965; Barnes 1985, 135–136; Lane Fox 1997; Callu 1999; Bohmhammel 2008.

41 The most recent edition is Rosellini 2004; further editions and literature on the *Res gestae Alexandri Macedonis* are collected in Schmidt 1989, 212; on their socio-historical context, see Bohmhammel 2008; for the identification with the consul of 338, see Lane Fox 1997, 242–243 with n. 24.

42 Editions and literature on the *Itinerarium* are collected in Fuhrmann 1989, 214–215. Merkelbach 1954, 182, and Cracco Ruggini 1965, 5, date the text to the years 340 to 345; Barnes 1985, 135, “close to 340”; Fuhrmann 1989, 214–215, “bald nach 340”; Callu 1992, 439; February 340 at the latest. Merkelbach 1954: 179–182 (reiterated in Merkelbach 1977, 101) and Lane Fox 1997, hold that the author of the *Itinerarium* was also Valerius. The author certainly has relied on Arrian and the Greek text or on the translation of Pseudo-Callisthenes made by Valerius; see Merkelbach 1954, 179–182. The author imitates Varro (§3.6), who dedicated his *Ephemeris Navalis* to Pompey for the war in Spain: *Itin. Alex.* 3(6).

his historical subject and the dedicatee is impossible to determine in detail. The exordium of the *Itinerarium*, however, reveals how a high-ranking aristocrat close to the emperor might attempt to curry favor with comparisons to Alexander the Great and a flattering ruler image.⁴³ Since the text is close in date to the Antiochene coinage and refers to the same series of military conflicts, a closer look is warranted.

In the exordium of the *Itinerarium*, Constantius, the *bonis melior imperator*,⁴⁴ is compared to Alexander the Great and Trajan in detail:

You are now at the same age as the one, while you possess the strategic ability of the other, by which you stand to gain advantage over your own youth. With Alexander, then, for the present you shall be thus equated: he was surnamed 'Great', while you are the son of the 'Greatest'; you were born in roughly the same part of the world as he was, and it is to the same area that you lead your army, which in the number of its soldiers is equal to his, though superior in its standard of training; you mean to avenge a like injury, though it was not of equivalent insolence. Quite rightly therefore may one presume that you, fighting under the same auspices, may gain the same degree of good fortune.⁴⁵

Alexander, Trajan, and Constantius here constitute a triumphal triad: as Alexander triumphed over the Achaemenids and Trajan over the Parthians, so now Constantius has humbled the empire of the Sasanid Persians, "to the end that the latter, who have so long trembled at Roman arms, may finally be enrolled by you among our peoples and then be given Roman citizenship among your provinces, where they may learn to be free by the grace of their conquerors."⁴⁶ The author thus elaborates on the topical, traditional goal of *propagatio imperii*, though in a situation that called for holding the areas conquered by Galerius and maintaining the allegiance of buffer states to the Roman empire.⁴⁷

43 In particular on the exordium, see the detailed commentary by Callu 1992.

44 *Itin. Alex.* 1(1); cf. the senatorial acclamation *felicior Augusto, melior Traiano* mentioned in Eutr. 8.5.3.

45 *Itin. Alex.* 4(8–10) (trans. Davies 1998).

46 *Itin. Alex.* 2(5) (trans. Davies 1998).

47 Barnes 1985, 135–136, interprets the call for aggressive action against the Persians as a sign that the defensive strategy that marked the Romans' subsequent actions crystallized only gradually. However, the Antiochene siliqua issue of 346 and the other triumphal victory issues of this year show that Constantius even portrayed himself as Novus Alexander when the goal of *propagatio imperii* had long been abandoned. Whether the highly topical *Itinerarium* thus can provide reliable evidence for the emperor's strategy is doubtful.

In the *Itinerarium*, Alexander exhibits the typical ambivalence between a military genius and conqueror, on the one hand, and an egomaniacal adventurer, on the other, as he is depicted generally from a Roman perspective. In the *Itinerarium*, Constantius proves equal to Alexander's abilities as a general and surpasses him by far in strategic ability, which in turn connects him to Trajan: for "fortune favored the rational planner" (§2[3]). But ultimately, it is Constantius' place as a member of the Constantinian dynasty that gives him a decisive edge. In his youth, Constantius emulates not only Alexander but also the achievements of his father as a mature man, whereby he "may outdo the great deeds of the most famous of all past supreme commanders" (§2[3]). As the "son of the 'Greatest'" (§4[9]), Constantius is both son and brother "of the two very mighty Constantines," whose accomplishments are represented in the *Itinerarium* as the greatest and most successful that can serve as *exempla*.⁴⁸

Membership in the Constantinian dynasty also permits Constantius to rely on a more effective guardian deity than either Alexander and Trajan could:

Quite rightly one may presume that you, fighting under the same auspices (as Alexander), enjoy equally good fortune; for up to now you have been his peer in emulation, but you eventually will deserve greater success, namely because your guardian god hears prayers conceived in righteousness and moderation more gladly than those made rapaciously by the reckless arrogance of a savage disposition.⁴⁹

Against the background of these passages, in which membership in the Constantinian dynasty makes Constantius significantly superior to Alexander, we can also understand why Constantius did not simply adopt the Novus Alexander imagery as such but rather incorporated in it (in the form of the nose) a clearly recognizable reference to Constantine.⁵⁰

Reference to Constantine simultaneously emphasizes the religious element explicitly raised also in the *Itinerarium*. Constantine's Novus Alexander portrait could also easily be read in a Christian manner, as attested by Eusebius in the *Vita Constantini*. One could recognize, the bishop asserts, how great the force of belief in Constantine's soul was in the fact that the emperor had himself depicted on his gold coins gazing upward, "like a man reaching toward God in

48 *Itin. Alex.* 2(4). Constantius had also inherited the conflict from Constantine: §2(5) *Tibi in Persas hereditarium munus est*: "You have an inherited duty (of war) against the Persians."

49 *Itin. Alex.* 4(10) (trans. Dillon).

50 This clearly shows that it is not merely Valerius who sees membership in the Constantinian dynasty as an essential characteristic of Constantius' rule. With the *nomen gentile* Flavius, Constantius emphasizes his dynastic connection to his glorious predecessor in almost all of his coin and medallion issues.

prayer.”⁵¹ The coin design may not warrant a primarily religious interpretation of the new portrait, but the self-representation of the first Christian emperor makes it possible and, to a certain extent, promotes it: in his description of the reform of military ritual in 321, Eusebius cites the upward-looking gaze as a key aspect of the new form of worship, which was marked by numerous, albeit implicit, references to the traditional sun cult, but could also be understood in a Christian sense.⁵² The iconographic formula of the upward gaze must have acquired religious or cultic significance at least within the military context. The charismatic resemblance to Alexander in the new Constantine portrait could thus merge with the metaphorical solar imagery of Constantine's self-representation. The Christian interpretation was a possible but by no means obligatory reading of the dazzling new image of the emperor.

The opening of key aspects of monarchic representation for Christian readings is far from a systematic Christian redefinition of the emperor's role: both the coins and the ruler conception in the *Itinerarium* still clearly draw primarily on traditional military charisma. And it is precisely the classical imperial role of the successful general and glorious conqueror that could not easily accommodate Christian demands on the position and function of the Roman monarch in a Christian world.⁵³ This incompatibility of Christianity and the ruler's military image is also illustrated by the fact that the Christogram on the Antiochene festauress (Figure 20.1) is not integrated directly into the iconography of the type. Instead, the medallion is marked by a disjointed juxtaposition of Christian and traditional typological elements. In an almost identically designed coin bearing the legend GLORIA ROMANORVM (about which more later), this Christian symbol is lacking entirely without affecting the basically triumphal message of the iconography and text. Quite obviously, Christianity and military charisma at the time had not yet become fused in an unbreakable bond.

The imperial ideology of victory illustrates that Christianization at first remained limited to the sporadic use of religious set pieces and had not led to a systematic synthesis of Christianity and Roman imperial rule; and at least in the military sphere, it had not yet entailed the propagation of specific doctrine.⁵⁴ It is rather the weal and woe of the Roman state in a very traditional

51 Euseb. *Vit. Const.* 4.15.1–2.

52 On this, see Wienand 2012, 319–329.

53 In his contribution to this volume, Harold Drake investigates how these claims developed and gradually shaped the emperors' self-understanding.

54 An emperor like Julian could only arrive at the conclusion that this development could be reversed, since at the middle of the century Christian and traditional views still stood so disjointedly alongside one another. At the death of Theodosius some thirty years later, the Roman world looked quite different; the idea of a return to the pagan past could now no longer seriously be entertained.

sense that takes center stage, as emerges clearly from the *Itinerarium*. There, the emperor's efforts toward *salus Romana* constitute the central test of imperial legitimacy and the cardinal point of his *aemulatio Alexandri*:

Alexander boasted that he had won his victories for himself alone, and became the more cruel to his friends as his success increased; in his enjoyment of victory he became enraged at those who expressed indignation at this. You, by contrast, will be fighting for the welfare of Rome (*saluti vero Romanae tu militans*), destined soon to rival him in empire at a time of life equal to his; and for this, immortal glory shall go with you.⁵⁵

By citing *salus Romana* as the goal of warfare, the author implicitly evokes the idea of an *aureum saeculum*, which dawns again and again in the coin issues of the year 346. A gold medallion exhibiting nearly identical iconography and legend to the Antiochene festaureus makes this connection most explicitly, and it serves as the most important issue for comparison. The only known specimen of this type is held today in the British Museum. The piece was also struck on the standard of 1/60 a Roman pound (and so also a festaureus) and the iconography of its reverse type is largely identical (Figure 20.4).⁵⁶ Here, too, the emperor rides in a triumphal quadriga, holds a scepter with an eagle in his left hand, and throws coins to an imaginary crowd with his right hand. But for all the similarity between the two ceremonial aurei, there are two striking differences: on the specimen in the British Museum, the Christogram is missing, but now the coin bears a regular reverse legend (in contrast to the reverse of the Antiochene festaureus introduced first above). The absence of the Christian symbol shows that it was not an essential component of the iconography but should rather be viewed as an optional semantic accessory, the absence of which did not fundamentally alter the basic message of the triumphal depiction of the ruler. How the military representation of the ruler and the Christianization of the Roman monarchy interact has been explored earlier in this chapter. Therefore, in the following, we turn our attention to the second difference between the two medallion types: the legend.

In the history of Roman coin and medallion issues, reverse types depicting the emperor in a quadriga drawn by horses or elephants are combined with a wide variety of legends, among them, for example, FELICIT(as) AVGVSTORVM, TRIVMP(hus) AVG(usti), or INNVMERI TRIVMFI AVG(usti) N(Ostri).⁵⁷ Since the reverse legend is directly related to the reverse type and

55 *Itin. Alex.* 4(11) (trans., with minor alterations, Davies 1998); cf. 3(6).

56 RIC 8 Antioch 77.

57 On coins and medallions depicting the Roman emperor as triumphator in the quadriga, see Mittag (forthcoming).



Figure 20.4 Gold medallion of emperor Constantius II, RIC 8 Antioch 77.

thus serves as an immediate commentary on the type, the legend is of no small importance for our understanding of the medallion as a whole. On the medallion in the British Museum, the expression *gloria romanorum* was chosen as a commentary on the depiction of the emperor progressing on his triumphal car. This choice of words entails that the imperial victoriousness expressed in the image does not serve to glorify the victorious emperor exclusively but rather refers to the glory and greatness of the entire Imperium Romanum and its citizens.

How the concept *gloria romanorum* should be understood in the context of the year 346 specifically, can be reconstructed with the evidence of a series of thematically related issues. Via the legend *GLORIA ROMANORVM*, the Antiochene *festauerei* make reference to a series of still more precious issues (up to $4\frac{1}{2}$ -solidi multiples, weighing approximately 20g of pure gold) minted at Antioch in the years 343 to 348 and bearing the same reverse legend *GLORIA ROMANORVM*.⁵⁸ Either Roma or Constantinopolis, or both city *Tyches* together, are depicted on the reverses of these issues (Figure 20.5). One of several peaks in the production of these issues was the joint consulship of Constantius and Constans in 346. The medallions, therefore, were distributed in a ceremonial context in Antioch at a point in time near the *festauerei*; at least part of them presumably will have gone to the same recipients.⁵⁹

⁵⁸ RIC 8 Antioch 69–74. On the date, see the following footnote.

⁵⁹ The issues can be dated from 343 to 348, during which period there appear to have been three peaks: the *vicennalia* celebration in 343 (Baldus 1984a, 82 n. 18), the joint consulship in 346 (Bastien 1988, 86 n. 3), and a final peak around the year 348 (Toynbee 1947, 140–141; Kent 1981, 504). Kraft 1958, 146, has conjectured that the eleven-hundredth anniversary of the city of Rome may have played a part; but, as Portmann 1999, 308, has shown, there is no evidence of Secular Games.



Figure 20.5 Gold medallion of emperor Constantius II, RIC 8 Antioch 72.

The *gloria romanorum* issues with the city Tyche types evidently were intended to project the notion of a harmoniously unified empire ruled by both consuls, Constans in the West (notionally centered on Rome) and Constantius in the East (notionally centered on Constantinople).⁶⁰ Hence, coins bearing not only the portrait of Constantius, but also that of Constans were issued. If then the reverse legend of these consulship issues, GLORIA ROMANORVM, was chosen also for the *festaveus* in the British Museum, celebrating victory in battle against the Persians, this must indicate that Constantius wanted the victory to be understood as a victory of all Romans: his achievements benefit not just himself and his own territory but the entire Roman empire. His co-ruler Constans is thus also implied.

The fact that Constantius indeed intended, not to claim the victory for himself alone, but rather to include his western co-ruler in it, emerges with exceptional clarity in a 9-solidi gold multiple—a medallion consisting of 41.9g of pure gold, the most precious known medallion minted under Constantius, today in the State Hermitage Museum, St. Petersburg (Figure 20.6).⁶¹ It also was produced in honor of the Roman victory at Nisibis and impressively juxtaposes the motifs of triumph and the unity of the empire. The obverse depicts a portrait of Constantius in cuirass and *paludamentum* with the titulature D(ominus) N(oster) CONSTANTIVS MAX(imus) AVGVSTVS. The emperor is crowned with a pearl-rosette diadem, gesturing with his raised right hand and holding

60 The exceptional importance of both these centers for the late-antique Imperium Romanum was strongly emphasized and supported by Constantine; see the chapters by Bleckmann and Lenski in this volume.

61 RIC 8 Antioch 67; see also Baldus 1984a, 86–87 (convincingly dating to 346).



Figure 20.6 Gold medallion of emperor Constantius II, RIC 8 Antioch 67.

a Victoriola (i.e., a small statue of Victory upon a globe) in his left hand, thus conveying the idea of the emperor's triumphant victoriousness together with the claim to universal rule. While the obverse is limited to familiar pictorial and textual elements *grosso modo*, the reverse is extraordinary. Under the legend DD(omini) NN(ostri) CONSTANTIVS ET CONSTANS AVGG(usti), both emperors are depicted in equal size, stature, and stance, facing, standing in a car drawn by six symmetrically arranged horses. Each of the emperors, depicted nimbate and in full dress uniform with *paludamentum*, holds a globe in his left hand and gestures with his raised right hand. The emperors are flanked by two hovering Victories that crown them with garlands. The mint mark A-N in the exergue indicates Antioch as the mint, and the ceremonial status of the issue is highlighted by the inclusion of objects related to a *largitio* between the letters: wreaths, money bags, and a money basket.

The triumphal imagery of the medallion, evoked already in the essentially still conventional design of the obverse, is heightened to an unusual degree in the reverse type. Triumphal rulership is not limited exclusively to Constantius but rather is attributed to both emperors, who are depicted in harmonious unity, whereby their different statuses are also emphasized: in accord with his greater *tribunicia potestas* and age, Constantius is named first; he also takes the title *maximus augustus* on the obverse, clearly establishing his primacy with respect to his co-ruler. The medallion thus illustrates a successful joint rule under the supremacy of Constantius.

The fact that Constantius and Constans are depicted here as harmonious co-rulers prevented neither of them from reserving precisely the most precious medallions for individual self-representation. This is shown by two further



Figure 20.7 Gold medallion of emperor Constantius II, RIC 8 Antioch 68.

9-solidi medallions connected to the piece just described: one from Antioch and one from Aquileia. The medallion from Antioch, of which the only known specimen is in the Staatliches Münzkabinett of Berlin (Figure 20.7), was struck with the same obverse die as the piece in the State Hermitage Museum, St. Petersburg; thus, with high probability, it belongs to the same issue.⁶² The reverse, however, is dedicated to Constantius alone. With the legend *D(ominus) N(oster) CONSTANTIVS VICTOR SEMPER AVG(ustus)*, the emperor is depicted alone in the car in an otherwise identical setting (drawn by six horses, flanked and crowned by two Victories).

Both extraordinary Antiochene medallions with the six-horse carriage are complemented by a “Gegenstück” (H. R. Baldus) minted in Aquileia—likewise a 9-solidi multiple with triumphal iconography that draws in several ways on the Antiochene medallion, even demonstrably copying it and likewise datable with some certainty to 346 (Figure 20.8).⁶³ The obverse type is virtually identical in design. On the reverse, Constans is depicted alone in a martial pose. Armed with helmet, spear, shield, cuirass, and *paludamentum*, the emperor

62 RIC 8 Antioch 68; Dressel 1973, no. 233; Gnechi 1912, vol. 1, no. 4; see Baldus 1984a, 90–94. According to Dressel, the piece was minted at the same time as the medallion from the State Hermitage Museum, St. Petersburg. Baldus 1984a, 91–92 with n. 50, prefers a later date (356–357); his argument for a *terminus post quem* of 350 (“Constans zu Lebzeiten wegzulassen . . . wäre aber angesichts der Vorlage ein Fauxpas gewesen”) is not convincing, however, in light of the close connection to RIC 8 Antioch 67.

63 RIC 8 Aquileia 35 (= Dressel 1973, no. 216); cf. Baldus 1984a, 88–90. Two specimens of this medallion are known; the piece illustrated here is in the Münzkabinett der Staatlichen Museen zu Berlin; a further copy was in the private collection of Vierordt, auctioned by Schulman, March 5, 1923, lot 2718, then in the collections of the Johns Hopkins University and J. W. Garrett, and auctioned by Leu (October 16, 1984, lot 341) and again by Leu (May 5, 2003, lot 1001).



Figure 20.8 Gold medallion of emperor Constans, RIC 8 Aquileia 35.

drags a male barbarian behind him by the hair, while a female barbarian is depicted in supplication before him. The emperor is crowned by a Victory hovering behind him.

The issues in which Constantius and Constans individually stage their victoriousness in reference only to themselves permit us to recognize the great potential of military success for profiling the legitimacy of an emperor's rule. Constantius knew how to take advantage of this potential, but he refrained from exploiting it against his western co-ruler. He cites his own victories not to demonstrate his superiority to Constans but rather to conjure the image of an intact, harmoniously ruled empire, in which East and West unite in solidarity, and one cannot think of Constantinople or Rome without thinking of the other. The Antiochene medallion issues of 346 thus incorporate references to the victoriousness of Constantius into an overall picture of the harmonious joint rule of the brothers. This is striking and demands an explanation.

The reason imperial harmony resounds so clearly in 346 has to do with the emperors' joint consulship and the tenth jubilee of their joint reign, which fell on September 9.⁶⁴ Both events were interrelated to a certain extent and prominently celebrated in Constantius' coin and medallion issues. Especially the consular issues of 346 are marked by the picture of harmonious consular colleagues. A series of gold multiples conveys this most vividly: the reverse bears the legend DD(omini) NN(ostri) CONSTANTIVS CONSTANS AVGG(usti), showing the brothers in identical, full-length consular portraits, each wearing

64 On September 9, 337, Constantius, Constans, and Constantinus assumed the title *augustus* together: *Chron. min.* 1.235; Euseb. *Vit. Const.* 4.68. On September 9, 346, the beginning of the tenth year of this joint rule was celebrated.



Figure 20.9 Gold medallion of emperor Constantius II, NAC 31 (2005), no. 157.

the consular toga, nimbate, and holding a scepter in the right hand and a globe in the left (Figure 20.9).⁶⁵ Constantius is normally named first, depicted standing on the ceremonially more important left-hand side, and slightly larger in size; otherwise, no differences can be detected. Thus harmony between the two co-rulers stands in center stage.

The issues were presumably produced for the celebration of the *processus consularis*, when both consuls officially entered office, traditionally on January 1. In 346, Constantius was celebrating his fourth consulship; Constans, his third. The brothers had held the consulship together twice previously, in 339 and 342. Constantius probably celebrated the official beginning of this third joint consulship in Antioch, where he seems to have resided at the time.⁶⁶ Constans meanwhile was either on the Rhine frontier or in Illyricum.⁶⁷ Constantius thus celebrated the *processus consularis* alone in Antioch.

Graver than the physical absence of Constantius' consular colleague was the fact that Constans initially refused to recognize their joint consulship in his half of the empire. While Constantius' self-representation evokes the picture of harmonious relations between the two co-rulers, tensions had risen to such a pitch in 346 that it proved impossible to come to terms even on such a basic question as the holding of the consulship. The eastern issues of 346 thus are not a reliable reflection of a smoothly functioning joint rule; rather they evoke an

65 NAC Auction 31, October 26, 2005, lot 157. The two-solidi piece illustrated has not been published previously; a 1½-solidi multiple identical in design is discussed by Baldus 1984a, 83–85, with general remarks on the consular issues of 346; cf. Bastien 1988, 86f. c, n. 2.

66 Kent 1981, 504.

67 Constans' whereabouts during the years after 345 are not entirely known; see Barnes 1980, 165–166.

ideal state of affairs far removed from reality. What the harmonious coin types were intended to communicate can be established only by taking into account the brothers' conflict-ridden relationship.

In the period up to 346, shifting tensions can be detected that threatened to escalate into a full military confrontation. At the climax of the crisis, in the years 344–345, Constans even threatened Constantius explicitly with war.⁶⁸ The eastern and western halves of the empire appear here to have reached an impasse.⁶⁹ There had been tensions already before the civil war between Constans and Constantinus that were exacerbated after Constantinus' death in 340. The outcome of the civil war had placed the younger brother, despite his formally lower rank, at the head of a much larger territory that included the traditional capital Rome. Constantius himself had not intervened in the civil war, abstaining from realizing his political interests by military means—as Julian would later explain, not implausibly, because Constantius' hands had been tied by the struggle against the Persians.⁷⁰

Constans subsequently exploited Constantius' difficult situation to strengthen his own claim of supremacy. He put his eastern co-ruler under pressure by giving their political conflict a religious dimension.⁷¹ In particular, Constans used the fate of the Alexandrian bishop Athanasius as a touchstone for his position and authority within the imperial college. Athanasius adhered to the Nicene Creed strictly and did not shy from confrontation with the emperor. He had already been exiled several times under Constantine, after whose death he quarreled with Constantius and the Arian bishops of the eastern half of the empire, who had benefited under Constantius' religious policy. Just a few months after Constantius' accession, the dispute between Constantius and Athanasius culminated in the renewed exile of the bishop, who was forced to live in the West, where a growing number of bishops interceded with Constans on his behalf.⁷²

Constans had taken the side of the majority of western bishops, who demanded that Athanasius be restored to his see in Alexandria. The western emperor apparently recognized that he could force Constantius with this

68 On the dating, see Portmann 1999, 302–304.

69 *Lib. Or.* 170–171; *Athan. Hist. Arian.* 19.3–4; see Portmann 1999, 303–304.

70 In his second panegyric to Constantius, he attempts to explain this with Constantius' moderation; cf. *Iul. Or.* 1.18b–20b, 41b–d, 47a–d (cf. *Them. Or.* 2.38c–d); *Or.* 2.95a.

71 Portmann 1999, 329 characterizes this as “Constans' Funktionalisierung des kirchlichen Dissenses für seine eigenen Machtansprüche.” Diefenbach, who has analyzed the ecclesiastical controversies under Constantius II for this volume, also states that Constans “seized upon empire-wide religious standardization as a means of putting Constantius under political pressure.”

72 On this, see also Steffen Diefenbach's contribution to this volume.

demand into a subordinate position in religious politics and thus turn the formal hierarchy of the imperial college on its head to his advantage. Since Constantius was preoccupied by the troubles on the eastern front and seems to have had neither the will nor the strength to risk yet another military conflict, he actually made concessions to Constans. In 342 or 343,⁷³ the Council of Serdica was convened to resolve the conflict over Athanasius. The council had been demanded by Constans, and Constantius had complied, but the delegation of eastern bishops rejected Constantius' intention of reaching a compromise. The conflict thus continued to escalate, until the threat of war and impasse described above.

Seemingly impressed, Constantius finally yielded in 345 and suggested that he would permit Athanasius to return to the Alexandrian see. Some time would pass, however, before Athanasius resumed his duties; Constans meanwhile left reconciliation with Constantius in limbo. W. Portmann argues persuasively that Constans did not accept the joint consulship as the symbol of their political settlement until Athanasius actually recovered his position in Alexandria on October 21, 346.⁷⁴ Until then, Constans had not nominated a pair of consuls of his own in his own territory—a conspicuous sign of restraint toward the extorted offer of reconciliation from Constantius: a majority of administrative documents from the West in 346 show a dating by postconsulate according to the consuls of the preceding year, Amantius and Albinus. Only after Athanasius' restoration does Constans appear to have accepted the joint consulship of the two emperors also in the West and thus expressed the restoration of the brothers' consensual rule.⁷⁵ Even if political relations between the two emperors remained tense, their newly won domestic consensus was still widely celebrated in the coinage, not least in the extensive *fel(iciu)m temp(oru)m reparatio* series.⁷⁶

Constans thus was able to impose his political will on the higher-ranking Constantius and obtain formal recognition of his authority. This struggle for rank and status had, as has been seen, far-reaching effects on the rulers' ceremonial and monarchic representation. These effects are especially palpable in the numismatic record because this type of source material is preserved in comparably comprehensive numbers; because concentrated, yet semantically nuanced evidence for monarchic representation may be read in the

73 On the dating, see Portmann 1999, 301 with n. 3.

74 Portmann 1999, 307–308.

75 Since the political reconciliation of the two emperors occurred in October, Constantius had to celebrate alone not only the joint consulship, but also the tenth jubilee of their joint rule on September 9.

76 see Kraft 1958; Portmann 1999; Olbrich 2004.

iconography and legends of imperial coins and medallions; and also because the *largitio* issues themselves were used as means of communication and representation at ceremonial events, about which they provide valuable information.

The Antiochene *festauereus*, which together with the other *largesse* issues once bathed the empire in golden shade and today adorns the cover of this volume, thus stands in the midst of a complex politico-military situation, in which an emperor of the fourth century labored to stabilize the fragile political order of the Roman monarchy. Our knowledge of the contexts we have retraced here is decisive for our understanding of the *largitio* issues as functional icons of sovereignty. At first glance, they seem to have served as simple commemorative victory issues, but they were embedded in a broad discursive, narrative, and symbolic program that served to meticulously attune and alleviate a highly contested monarchy: in terms of administration, imperial representation, and religion.

POSTSCRIPT: A HAT THAT LETS THE RAIN IN

One of the most conspicuous items depicted on the medallions discussed above is the imperial diadem, an integral component of the emperor's regalia. Although the Romans were familiar with this symbol from Alexander the Great and his successors, it took no fewer than three and a half centuries after the fall of the Republic until a Roman emperor adopted the diadem as an official crown. As an unambiguous emblem of monarchic power, the diadem could not establish itself in the anti-monarchic Republic—in contrast to the laural wreath, which was adopted early as a distinction for magistrates (though its use was subject to strict regulations) and which, particularly as the crown of a triumphator, had been intimately connected to the Principate from the beginning.

An instructive episode illustrates how highly problematic the diadem was considered: when Pompey showed himself in public with white leg bands in 60 BC, a certain Favonius supposedly shouted out, "it doesn't matter on which part of the body the diadem sits."⁷⁷ Even over four hundred years later, Ammianus was familiar with the idea that Pompey's extravagant clothing had inspired his desire for *res novae*.⁷⁸ The sensitive response of Pompey's aristocratic peers to the ambitious and successful general's attempts at distinction may be explained by the massive competition for influence, glory, and honor within the senatorial aristocracy of the late Roman Republic.

⁷⁷ Val. Max. 6.2.7; on this incident, see Meister 2012.

⁷⁸ Amm. Marc. 17.11.4.

Under the Principate, a genuinely autocratic order arose from the ruin of the Republic, yet it was gilt with Republican rhetoric for an astonishingly long time. Caesar had perished, after all, in the attempt to underline his claim to supremacy by means of outright monarchic performances and symbols. Augustus and most of his successors learned the lesson of Caesar's failure. Whoever, like Domitian, for instance, openly broke with Republican norms risked, at the very least, aristocratic backlash after death, which could burst forth in the denigration of the emperor's *memoria*. Seen in this light, it is not at all surprising that the diadem became an established symbol of power only after the political system of the Roman empire had undergone a fundamental metamorphosis and gained sufficient distance from the aristocratic stamp of its origins:⁷⁹ not until July 25, 325, did Constantine officially assume the powerfully symbolic crown, which thereby replaced the laural wreath as the symbol of the *augustus* and reassigned it to the *caesares*.⁸⁰ The diadem was henceforth the most prominent headgear of the emperors.

The date of the introduction of the diadem is significant: with his decisive victory over Licinius on September 18, 324, Constantine had finally overcome the domestic turmoil of the late Tetrarchy and had emerged from nearly twenty years of civil war as the glorious victor and sole ruler of the entire Imperium Romanum. As such, Constantine could now transform his own imperial self-representation.⁸¹ The victor was no longer a warrior, but rather the peaceful ruler of the earth. The vivid language of the Constantinian coinage expressed this idea insofar as the helmet now yielded to the diadem: as an unambiguously military attribute, after Licinius' defeat the helmet does, in fact, suddenly and utterly disappear from the obverse portraits of Constantine's coinage—it had featured in nearly 30 percent of the portraits in the six preceding years, from 318 to 324.⁸² This is by no means coincidence but symptomatic of a major readjustment of Constantine's self-representation. The concept of a bold and noble warrior, supported by divine power, is unmistakably succeeded by the concept of a world ruler, crowned with the diadem and reigning aurally,

79 On the political metamorphosis in the third century, Eich 2005 is fundamental.

80 On the introduction of the diadem under Constantine, see Lenski's chapter in this volume.

81 On this, see Wienand 2013.

82 For the period from 318 to 324, RIC 7 lists a total of 645 coins that were minted in Constantinian mints with an obverse portrait of Constantine; 178 of them portray the emperor with a helmet. This abruptly changes after victory over Licinius. Afterward, no coins are minted for Constantine that depict him in a helmet. Shortly before Constantine's death in 337 there appear, probably in connection with his anticipated campaign against the Persians, new coin types that depict the emperor in a helmet.

who now embodies the divine qualities of his erstwhile patron deity and rules over the tranquilly reunited empire with righteousness and justice.⁸³

To emphasize this profound transformation of the emperor's self-understanding, a simple band diadem was first introduced in 325. It would increasingly be supplanted by pearl and rosette diadems. In subsequent decades, the circlet of the imperial crown became ever more elaborate, now usually made from beaten gold, richly studded with gemstones, and in later times occasionally incorporating relics. If such a crown, as formulated in the introduction to this volume, should be understood as a tile in the mosaic of performances and discourses from which monarchy itself emerges as a highly complex social system, one legitimately might ask: who could lay hands on this object, direct its communicative power, and control the message?

In Roman ideology, the imperial headgear was conceived independently from the consent of the governed for an astonishingly long time. This is illustrated already by the fact that no proper coronation ritual is attested, and probably did not exist, until Julian's usurpation in AD 360. Prior to that event, the legitimacy of the emperor seems not to have been based on a concrete coronation by representatives of specific segments of society. In the pictorial language of the Roman monarchy, this corresponds to the fact that well into the fourth century the emperor was always crowned by a deity: in royal imagery (most prominently on coins, medallions, and imperial reliefs), the monarch is traditionally crowned by Victoria, by Jupiter, or by a personalized protective deity, for example, the sun god Sol Invictus. Under Constantine, the first medallions appear that show a heavenly hand crowning the emperor—an innovative way of conveying divine legitimation. This depiction now permitted Christian readings, but the legitimacy of the emperor nonetheless continued to rest upon an exclusive relationship between himself and divine power(s).⁸⁴ A concrete coronation ceremony was still lacking; the emperor thus continued to hold a monopoly on the symbolism of the imperial crown.

The progressive institutionalization and ceremonialization of the Roman monarchy in the course of the fourth century brought about profound changes. For the first time, a real coronation seems to have been performed at the usurpation of Julian, when for want of imperial insignia he was lifted onto a shield

83 Both in coin and medallion issues and in imperial inscriptions, references to a new *aureum saeculum* that has begun with the defeat of the last tyrant and the beginning of Constantine's sole rule, become increasingly common. The coin and medallion issues of the years 324 to 326 are too extensive to be discussed in detail here, but one may observe generally that Constantine's image undergoes a significant transformation with his final victory over Licinius; see the collection of ceremonial issues in Bastien 1988, 78–80, and Beyeler 2011, 115–121; on the inscriptions, see Grünewald 1990, 133–162.

84 RIC 7 Constantinople 42; on this, see Wienand 2012, 433–434.

in the camp at Paris, crowned with a torque, and proclaimed *augustus*. In the decades and centuries after this event, and promoted by the development of Constantinople into an imperial capital, a proper coronation ceremony evolved eventually comprising different ceremonial stages involving soldiers, officials, courtiers, the urban population, and clerics.⁸⁵

As the ceremony developed, coronation became an indispensable part of an accession and a decisive stage in the complex of rituals by which a new monarch was created. The crowning of an emperor united the subjects of the empire in a moment of consensus; the actual configuration of the coronation ceremonies shifted with the political power and significance of status groups and the influence they could bring to bear on events.⁸⁶

The crown thereby rose to become the most prominent royal emblem of western monarchy. Yet the meaning and function of the crown—an object that at first sight seems to have been controlled by the emperor as closely as possible—evolved within a dense network of negotiation processes between the most important players in the late-antique Imperium Romanum. With the passage of time, the balance tipped away from the emperor to the army and *plebs urbana*, and finally to the church. The coronation ritual thus united the monarch and the most important social protagonists of the empire in a fragile consensus; they all participated in the coronation, which became perhaps the most significant act of public declaration of mutual loyalty, commitment, and allegiance.

As a true coronation ceremonial emerged, interpretive control over the crown slowly but surely slipped from the emperor's grasp, although he and his crown (paradoxically, it seems) came ever more to constitute an indissoluble unit—in almost the same way that Ibrahim al Koni in his novel *Al Waram* depicts the “cloak of power” that gradually eats into the flesh of its bearer. Cicero allegedly once remarked about Caesar, “When I look at his hair, which is arranged with so much nicety, and see him scratching his head with one finger, I cannot think that this man would ever conceive of so great a crime as the overthrow of the Roman constitution.”⁸⁷ The diadem left the late-antique ruler, on the contrary, no room even to scratch his head: the emperor himself had become an icon of sovereignty, who, as Ammianus describes on the occasion of Constantius' appearance as triumphator, hardly dared to move: “he turned his eyes neither to the right nor to the left, as if he had been a statue: nor when the carriage shook him did he nod his head, or spit, or rub his face or his nose; nor

85 On the significance of the capital, see Pfeilschifter 2013.

86 On this, cf. Trampedach 2005, esp. 277.

87 Plut. *Caes.* 4.9 (trans. Perrin 1919).

was he ever seen even to move a hand.”⁸⁸ Together, the body and regalia of the ruler constituted the body politic of the monarchic order. It was alive only to the extent that it was infused with the lifeblood of the most diverse aspirations and expectations of the subjects. Maybe Frederick the Great was not wrong in principle when he remarked that a crown was only a hat that let the rain in—but it was still a quite contested hat.

88 Amm. Marc. 16.10.10 (trans. Yonge 1862).

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ADDITIONAL ABBREVIATIONS OF JOURNALS AND PERIODICALS

ACO	Acta Conciliorum Oecumenicorum
ANRW	Aufstieg und Niedergang der Römischen Welt
BSAC	Bulletin de la Société d'Archéologie Copte
DNP	Der Neue Pauly
FIRA	Fontes Iuris Romani Antejustiniani
I.Cret	Inscriptiones Creticae
JAAR	Journal of the American Academy of Religion
JJS	Journal of Jewish Studies
JKDAI	Jahrbuch des Kaiserlich Deutschen Archäologischen Instituts
JQR	Jewish Quarterly Review
JVAR	Jahrbücher der Vereins von Alterthumsfreunden im Rheinlande
LIMC	Lexicon Iconographicum Mythologiae Classicae
MAH	Mélanges d'archéologie et d'histoire
NLF	Natural Law Forum
PLRE	Prosopography of the Later Roman Empire
RAntC	Reallexikon für Antike und Christentum
RE	Paulys Realencyclopädie der classischen Altertumswissenschaft
ROC	Revue de l'Orient chrétien
SKPAW	Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften zu Berlin, Philosophisch-historische Klasse
SP	Studia Patristica
SVTQ	Vladimir's Theological Quarterly
TRE	Theologische Realenzyklopädie
ZHF	Zeitschrift für Historische Forschung
ZN	Zeitschrift für Numismatik

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Abbreviations of work titles roughly follow the standards of Liddell & Scott (A Greek-English Lexicon) and Oxford Latin Dictionary.

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Technical abbreviations as well as names of fourth-century administrative personnel follow PLRE, names of church functionaries follow PCBE (in Latinized form). The following abbreviations are used: *cos.* for *consul*, *ep.* for *episcopus* (bishop), *mag.* for *magister equitum*, *magister peditum*, or *magister militum* (general), *ppo* for *praefectus praetorio* (praetorian prefect), *pvc* for *praefectus urbis Constantinopolitanae* (urban prefect of Constantinople), *pvr* for *praefectus urbis Romae* (urban prefect of Rome), *qsp* for *quaestor sacri palatii* (quaestor of the Sacred Palace).

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